

**REAL PARTY IN INTEREST**

**(37 C.F.R. §1.192(c)(1))**

The real party in interest is the assignee of the patent application, Monster Cable  
Products, Inc., doing business at 455 Valley Drive, Brisbane, California 94005-1209.

**RELATED APPEALS AND INTERFERENCES**

**(37 C.F.R. §1.192(c)(2))**

On information and belief, no related appeals or interferences are pending.

**STATUS OF CLAIMS**

**(37 C.F.R. §1.192(c)(3))**

This continuation application (U.S. Pat. App. Ser. No. 09/735,697), claiming priority to  
U.S. Prov. Pat. App. Ser. No. 60/070,317 via U.S. Pat. App. Ser. No. 09/735,697, was filed with  
Claims 8-9, 11-12, 14-15, 17-18, 20, 23, and 26. A preliminary amendment canceling Claims  
8-9, 11-12, 14-15, 17-18, 20, 23, and 26 and adding Claims 29-40 was also therewith filed.  
Subsequently, the Examiner issued a final Office Action on August 28, 2001, maintaining her  
rejection of Claims 29-40. The Applicant hereby respectfully requests reconsideration of Claims  
29-40.

**STATUS OF AMENDMENTS**

**(37 C.F.R. §1.192(c)(4))**

No Amendment After Final Rejection has been submitted, except insofar as is contained  
herein. The Applicant believes that independent Claims 29, 33, and 38, as filed, fully encompass  
all of the inventive features as set forth in the Specification.

## SUMMARY OF INVENTION

(37 C.F.R. §1.192(c)(5))

5 With the many possible combinations/permutations of electronic components (e.g.,TV, VCR, DVD, etc.) available today, the consumer usually finds himself in a “**confusing tangled mess**” with respect to handling/managing all the cords emanating therefrom. Such is the problem with **prior art plain plug strips**, which provide no identifying information at all, where the average consumer needed *superior memory* to recall the electrical connections which were made long ago or *superior vision* to see those  
10 connections from any notable distance made between the plug strip and the equipment being plugged. Further, prior art means for tagging of electronic equipment were easily worn or dislodged. See Appendix B, page 57i, for an illustration of the prior art plug strip problems.

Solving these prior art problems, the claimed invention is basically a **solid color-coded plug strip** for supplying power to **many pieces of electronic equipment**, such as one  
15 would require in a home computer system (e.g., computer, printer, scanner, modem, etc.), a home theater system (e.g.,TV, VCR, DVD, etc.), a home sound system CD, receiver, LP turntable, cassette player, P/A systems, electronic musical instruments, etc.), and a home security system (e.g., alarm system, surveillance equipment such as closed circuit television, CCTV, infrared sensor such as IR camera, motion detector, electronic gate motor, intercom,  
20 etc.). The claimed color coding, as applied to this plug strip, takes into consideration the **human factors engineering principles** and practical problems involved in setting-up and maintaining any of the foregoing electronic home systems for **the typical consumer who may not have a background in electrical engineering**. The solid colors on the plug strip allow the consumer **to easily see the connection**, even from a distance without having to remember,  
25 squint, or predict that connection. See Appendix B, page 57j, for an illustration of the present solid color coded plug strip solution to the prior art problems.

The present solid color coded plug strip comprises solid colored areas **on and surrounding each outlet**. The outlet areas of a prior art plain plug strip may be retrofitted by solid colored stickers of the present invention kit. In addition, the solid colored areas of the  
30 present invention plug strip may have their colors changed to suit the consumer by likewise retrofitting the strip with the solid colored stickers. The present **solid color coding on the plug**

**strip is substantially more prominent to the human eye than the cited art colored rings or stripes.** A goal of the present invention is to *not* hardwire. Thus, the present invention provides nearly **unlimited flexibility** by allowing the consumer to customize his electronic “hook-ups” without “hang-ups.” Since the color-coding is applied to a plug strip rather than to a specialized electronic apparatus (e.g., a resistor), the user may connect *any* peripheral device to *any* outlet with *any* interconnect that he so chooses. The present invention allows the consumer to define the color-coding via the retrofitting option, because the interconnects and the stickers are not “hardwired.”

An **optional easy-to-use kit** may be provided with this solid color coded plug strip, the kit including **color coded cords, color coded stickers, and color coded indicia** may be provided which allows the consumer to **retrofit a prior art plain plug strip or to reassign the colors of the claimed solid color coded plug strip** as he/she so desires. The color coded stickers and the color coded indicia may be adhered to plain prior art cords and to the electronic component. The color coded indicia have information (e.g., symbols, numbers, words, or acronyms) printed thereon about many types of consumer electronic equipment, enabling the consumer to easily further identify his electronic connection and the particular electronic component.

The present invention, as defined in the claims, is illustrated in Figures 2 and 3 of the Drawings and is described in the Detailed Description of the Invention beginning on page 6, line 27 of the continuation application. In one embodiment of the invention, the AC power distribution apparatus comprises: a solid color coded power strip apparatus 20N; a plurality of color coded power cords 35, 45, 55, (2) 45x, and 55x; and a plurality of color coded indicia elements  $I_{cx}$ . The power strip apparatus also comprises a housing with a plurality of AC outlet portions C1, C2, C3, C4, C5, ..., CX corresponding to outlet receptacles 23(a, b, c, d, e, ..., n) for providing AC power to the same plurality of peripheral electrical devices. Each AC outlet housing portion being colored with a first color that is different from another AC outlet housing portion. The plurality of power cords comprise a power cord colored to match said first color. The remaining power cords of the plurality of power cords, comprise power cords colored to match each of the other colors on the power strip 20N. The indicia elements are, by example, an adhesive-backing type label having a color that matches the color of the power cord and the corresponding color of the AC outlet

housing portion. The indicia elements  $I_{cx}$  also comprise identifying information (e.g., words, acronyms, numerals, and symbols) about the peripheral device to be powered.

Another embodiment of the present invention comprises a kit. This kit comprises a plurality of indicia element sets for labeling a respective power strip AC outlet portion CX, power cord terminals, and the peripheral device to which AC power is desired to be distributed as well as stickers for retrofitting the portions CX. The kit is also then useful in retro-fitting an after-market AC power strip product.

The method consists of the steps of providing the color coded power strip, the color coded power cords, and the color coded indicia elements with identification of the peripheral device 30 and systematically assigning a color to a particular peripheral device 30 to which that particular color is to be associated, and then attaching the color coded power cable to the corresponding AC outlet portion CX on the AC power strip 20N. Alternatively, the method may be that of providing the kit with indicia elements  $I_{cx}$  and assigning a particular color to a peripheral device 30, then applying the indicia element  $I_{cx}$  to the power strip AC outlet portion CX, the power cord terminal ends (e.g., 55a, 55b) and to the particular peripheral device 30.

## ISSUES

### (37 C.F.R. §1.192(c)(6))

- I. Whether Claims 37, 39, and 40 are in proper dependent form and are fully supported by the Specification under 37 C.F.R. §1.75(c) and 35 U.S.C. §112, respectively.
- II. Whether Claims 29 and 30 are anticipated, under 35 U.S.C. §102(b), by a product review webpage by LaMont Ridgell of MacUser for a Kensington SmartSockets™ Strip Model and Adapter Model published September 1997.
- III. Whether Claims 29-32 are anticipated, under 35 U.S.C. §102(b), by U.S. Patent Serial No. 5,589,718 to Lee.

IV. Whether Claims 33-40 are unpatentable, under 35 U.S.C. §103(a), over U.S. Patent Serial No. 5,589,718 to Lee.

V. Whether Claims 33-40 are unpatentable, under 35 U.S.C. §103(a), over U.S. Patent Serial No. 5,589,718 to Lee, in view of U.S. Patent Serial No. 5,775,935 to Barna, and in further view of U.S. Patent Serial No. 5,366,250 to Sunabe.

VI. Whether Claims 33-40 are unpatentable, under 35 U.S.C. §103(a), over a product review webpage by LaMont Ridgell of MacUser for a Kensington SmartSockets™ Strip Model and Adapter Model published September 1997, in view of U.S. Patent Serial No. 5,366,250 to Sunabe.

VII. Whether rejection of Claims 29-40 under 35 U.S.C. §103(a) is improper under 37 C.F.R. §1.104(d)(2).

VIII. Whether rejection under 35 U.S.C. §103(a) is improper under 35 U.S.C. §103(c) as to Claims 29-40.

**GROUPING OF CLAIMS**  
**(37 C.F.R. §1.192(c)(7))**

The claims do not stand nor fall together.

**ARGUMENT**  
**(37 C.F.R. §1.192(c)(8))**

**INTRODUCTORY REMARKS**

Claims 29-40 were amended in the Response dated June 26, 2001, to the Office Action

dated March 27, 2001, to better encompass the full scope and breadth of the present invention, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. Accordingly, the Applicant respectfully asserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of these remarks is respectfully requested. Claims 29-40 are believed to be fully supported by the specification, and are believed to be in allowable form. Alternatively, the claims are believed to be in form for appeal. Thus, favorable consideration of the present continuation application is respectfully requested in light of these remarks, the appendices, and the herewith submitted exhibits.

**I. Whether Claims 37, 39, and 40 are in proper dependent form and whether they are fully supported by the Specification under 37 C.F.R. §1.75(c) and under 37 C.F.R. §1.75(d)(1), respectively.**

**A. Specific nature of the Examiner's objection**

The Examiner has objected to Claims 37, 39, and 40, under 37 C.F.R. §1.75(c), as being in improper dependent form. Specifically, Claim 37 was amended in the June 26, 2001, Response to the March 27, 2001, Office Action to depend from Claim 29; Claim 39 was therein amended to depend from Claim 33; and Claim 40 then became properly dependent from Claim 39, in turn, depending from Claim 33. In addition, the Examiner has objected to Claims 37, 39, and 40, in paragraph 10, as being unsupported by the original Specification "as discussed above[;]" however, nowhere in the final Office Action is the Applicant able to find any above-discussed statements by the Examiner as to the grounds for this part of the objection. At most, the Applicant must assume that this part of the objection is being made under 37 C.F.R. §1.75(d)(1). Notwithstanding Claims 37, 39, and 40 being therein amended to better encompass the present invention, the Applicant hereby respectfully traverses the Examiner's grounds for objection on these bases and respectfully submits that the Examiner has not fully considered the already compliant amendments to Claims 37 and 39 nor the remarks presented in the June 26, 2001, Response (p. 12, ll. 8-14).

**B. Analysis in light of the evidence**

Independent Claim 29 recites “An AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising: **an input power cord member; an electrical distribution main** electrically coupled to said input power cord member and to said plurality of electrical outlets; and **a housing member** for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having **a plurality of discrete, solid colored areas**, each said discrete solid colored area being disposed on and surrounding each outlet of said plurality of outlets for associating said each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each peripheral device of said plurality of peripheral devices.”

Dependent Claim 37 has already been amended to depend from Claim 29 and recites the added kit element: “further comprising a kit, the kit comprising: a plurality of **sets of solid colored stickers** for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus. Therefore, Claim 37 has an additional element not recited in Claim 29 (i.e., a kit comprising a plurality of **solid colored sticker sets**) which is *fully disclosed* in the continuation application (i.e., “adhesive-back label,” p. 3, ll. 20-24; “appropriate colored labels,” p. 6, l. 20; Abstract) as well as in the parent application (“adhesive-back label,” p. 3, ll. 19-21; “appropriate colored labels,” p. 6, l. 18; Abstract) and which *further limits* the scope of Claim 29.

Independent Claim 33 recites “An AC electrical power strip apparatus having a plurality of electrical outlets, said apparatus comprising: **an input power cord member; an electrical distribution main** electrically coupled to said input power cord member and to said plurality of electrical outlets; and **a housing member** for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having **a plurality of discrete areas for receiving a plurality of solid colored stickers and a plurality of color coded indicia** disposed proximately to each outlet of said plurality of outlets for retrofitting said plurality of outlets, said plurality of solid colored stickers and said plurality of color coded indicia for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral

devices.”

Dependent Claim 39 has already been amended to depend from Claim 33 and recites the added kit element: “further comprising a kit, the kit comprising: a plurality of sets of **at least three like solid colored stickers**, one of said set for selective attachment to said each area, to an interconnecting electrical cord, and to a peripheral device utilizing said power strip apparatus.” Therefore, Claim 39 has an additional element not recited in Claim 33 (i.e., a kit comprising a plurality of **at least three like solid colored sticker sets**: one sticker for the plug strip, one sticker for the cord, and one sticker for the peripheral device) which is *fully disclosed* in the continuation application (p. 5, ll. 20-31; p. 6, l. 20; Abstract) as well as in the parent application (p. 5, ll. 27-29; p. 6, l. 18; Abstract) and which *further limits* the scope of Claim 33.

Dependent Claim 40 has not been amended in light of already amended Claim 39, which already rectifies any dependency issues, therefore, Claim 40 properly depends from Claim 39, which, in turn, depends from Claim 33 and recites the added element: “further comprising: a plurality of **solid colored electrical extension cords** for selective attachment to said power strip apparatus, each solid colored electrical extension cord being selected such that its color matches the color of the area being utilized, each solid colored electrical extension cord of said plurality of solid colored electrical extension cords being a color distinct from any other solid colored electrical extension cord in said plurality of solid colored electrical extension cords.” Therefore, Claim 40 has an additional element (i.e., a plurality of **solid colored electrical extension cords**) not recited in Claim 33 nor in Claim 39 which is *fully disclosed* in the continuation application (p. 3, ll. 17-20; p. 5, ll. 28-29; Abstract) as well as in the parent application (p. 3, ll. 16-18; p. 6, l. 10) and which *further limits the scope* of Claims 33 and 39.

### C. Conclusion as to Issue I

Thus, dependent Claims 37, 39, and 40 have already limited the scope of the claims from which they depend and are and have been in proper dependent form since the June 26, 2001, Response. Further, Claims 37, 39, and 40 are fully supported by the original specification, as discussed supra. Therefore, the Applicant respectfully requests that the Examiner’s grounds for objection on these bases be withdrawn as to Claims 37, 39, and 40.



**II. Whether Claims 29 and 30 are anticipated, under 35 U.S.C. §102(b), by a product review webpage by LaMont Ridgell of MacUser for a Kensington SmartSockets™ Strip Model and Adapter Model published September 1997.**

**A. Specific nature of the Examiner's rejection**

The Examiner has rejected Claims 29 and 30, under 35 U.S.C. §102(b), as being anticipated by the Kensington SmartSockets Strip Model and Adapter Model product review webpage by La Mont Ridgell of MacUser, published September 1997, stating "the Kensington SmartSocket Strip meets all of the limitations of Claims 29 and 30." Claim 29 was amended in the June 26, 2001, Response to better encompass the instant invention, as discussed supra. Claim 30 subsumes the limitations of therein amended Claim 29. Notwithstanding Claims 29 and 30 being therein amended to more fully encompass the present invention, the Applicant hereby respectfully traverses the Examiner's grounds for rejection on this basis.

**B. Analysis in light of the evidence**

In particular, therein amended Claim 29 affirmatively recites the present invention's unique features: said housing also having a plurality of discrete, solid colored areas, **each said discrete solid colored area being disposed on and surrounding each outlet** of said plurality of outlets for associating said each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each peripheral device of said plurality of peripheral devices. Claim 30 subsumes the limitations of Claim 29 and further comprises: a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to each peripheral device of said plurality of peripheral devices utilizing said power strip apparatus, each sticker of said set being selected such that its color matches the solid colored area to be utilized for powering said each peripheral device, each said set of solid colored stickers being a color distinct from any other said set of solid colored stickers.

**1. Antedating evidence, under 37 C.F.R. §1.131(a), from the Declaration of the Applicant Noel Lee**

In the December 12, 2000, Declaration of Noel Lee (para. 7), under 37 C.F.R. §1.131(a), the Applicant/Declarant specifically stated, "I conceived of the present invention in **May, 1993**, antedating the printed publication [of September 1997] disclosing the Kensington invention. The first commercially viable *prototype* was manufactured by Monster Cable Products, Inc. in **September, 1997, generally in accordance with the proprietary drawing** [of July 28, 1994] contained in hereto attached Exhibit A." **Thus, Monster's July 28, 1994, proprietary drawing antedates Kensington's September 1997 publication (See herewith submitted Exhibit A, pp. 58a-58b) by over three years.**

In the final Office Action (para. 5), the Examiner concludes that Exhibit A of the foregoing Declaration (herewith resubmitted) is not the claimed invention in order to summarily dismiss the antedating issue. The drawing *generally shows a viable prototype* of the claimed central power source having the distinct solid color coding scheme. That the later-submitted formal drawings are clearer and that the **July 28, 1994**, drawing shows the main component (i.e., the color-coded plug strip apparatus) without every peripheral element, should not render the **July 28, 1994, informal lab drawing**, in the Declaration's Exhibit A, non-representative of the claimed invention. This **July 28, 1994**, drawing has been presented by the Applicant in Exhibit A as *evidence of the continuum of actual reduction to practice*.

The instant continuation application (filed December 12, 2000) claims priority from a non-provisional application S/N 09/221,761 (filed December 28, 1998), in turn, claiming priority from a **provisional application S/N 60/070,317 (filed January 2, 1998)**, as is evident from the Related Application Section (Specification, p. 1, para. 1) and from item 18 of the Utility Patent Application Transmittal Form (form PTO/SB/05) therewith filed December 12, 2000. **Thus, the Applicant filed the priority application (i.e., the provisional application) on January 2, 1998, which is, at most, only five (5) months after the September 1997 viable prototype date.** The Examiner's continued assertion that a mere five months for continued exploration of marketability could possibly constitute a lack of due diligence on the Applicant's part (final Office Action, para. 4), remains perplexing. Therefore, the Applicant respectfully submits that the Examiner's statements regarding lack of due diligence may have been erroneously included in the final Office Action, especially in light of her agreement with the Applicant's time-line computations (para. 30). Alternatively, the Applicant respectfully requests reconsideration of Noel Lee's 37 C.F.R. §1.131(a) Declaration.

## 2. Distinctions between the present invention and the Kensington reference

The law, under 35 U.S.C. §102, is well settled that for a cited art reference to anticipate a claimed invention, every element of the claimed invention must be identically shown in a single reference. *Diversitech Corp. V., Century Steps, Inc.*, 850 F.2d 675, 677, 7 USPQ2d 1315, 1317 (Fed.Cir. 1988). Further, the elements of the cited art reference must be arranged as they are in the claim under review. *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed.Cir. 1984). Claim 29 does not read on the Kensington publication, because it contains the following language neither found nor illustrated in the Kensington publication: “a plurality of **discrete, solid colored areas[;]**” and, thus, by dependency, Claim 30 also does not read on the Kensington publication. See Appendix B for an illustration of the present **solid color coded** plug strip apparatus (pp. 57b-57c) and photograph of the Kensington **colored-ring** plug strip apparatus (p. 57e).

The Kensington apparatus *merely comprises thin colored rings disposed at a notable radius away from the outlets*. In contrast, the present invention comprises **discrete solid colored areas which are disposed on and surrounding the outlets** (i.e., *proximally surrounding the outlets* as shown in Figs. 1-3), which permits better peripheral device connection identification than does the Kensington apparatus. Claim 29 clarifies the distinction between these inventions. The Kensington invention comprises *six pairs of labels* (i.e., *only two stickers per set*) matching *colored rings* disposed around each socket. In contrast, the present invention utilizes *at least three* stickers per color set and further provides either a *solid colored portion* or a *plain portion being retrofitted with a solid colored sticker*.

Reiterating the relevant human factors considerations alluded in the May 22, 2000, Response to Final Office Action in the parent case, the present invention solid colored portions or portions being retrofitted with solid colored stickers appear more prominent to the human eye than do the cited art colored rings. As such, the Kensington colored rings do not provide the superior visual indicia of the instant invention. In order to grasp this concept, the physiological concept of *visual acuity*, must be considered with respect to the claimed invention. Two classes of photoreceptors reside in the human eye, rods and cones. Rods perceive light and dark while cones perceive color. *Cones are usually concentrated in an area of the retina where the most*

*direct beams will fall*, the area of greatest concentration being the *fovea centralis*. Ross M. Durham explains:<sup>1</sup>

The fovea centralis is directly behind the lens, positioned to be right in the middle of images that enter the eye. It is the focal point of our visual field - the center of optical precision. It's the optic zone where the highest concentration of visual receptors exists; hence, it has the finest "grain" and is the point in the eye of greatest visual acuity. Nearly all the receptors in the human fovea are cones, and there are a great many of them packed into its square millimeter. This is the part of the eye that perceives details for us.

Thus, the greatest visual acuity and the greatest visual efficacy, as human factors, are provided by the present invention use of solid colored stickers, not by the cited art colored rings. By so tailoring the solid colored components in the Applicant's apparatus, the user will be able to better see and follow a pathway from a given peripheral device to its respective housing member portion. The Applicant takes further exception to the Examiner's prior assertion that the foregoing physiological principles are "contrived," as such principles form the very basis of camouflage (e.g., cited art stripes, rings, etc.), the antithesis of the present invention.

In particular, Professors of Environmental Psychology, Drs. Patricia Valdez and Albert Mehrabian, explain the psychology of color perception:<sup>2</sup>

"Showiness" (assumed here to be indicative of the arousing quality of a color) correlated positively with saturation and brightness. Furthermore, "calmness" (assumed to be indicative of the nonarousing quality of a color) correlated negatively with brightness. Together, these results suggest that arousal is a positive correlate of color saturation and brightness.

...

The following effects of hue were evident across the 23 samples as a group: ... *grey was bad, weak, and inactive*; ... and *color was good and active*. In addition, ..., and *activity was strongly associated with color (vs. no color)*.

Further, the psychology of *patterned* images (e.g., broken by rings and stripes) versus *solid* images (e.g., uniform blocks of color) is described by Drs. James A. Russell and Albert Mehrabian as an environmental variable in consumer research:<sup>3</sup>

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<sup>1</sup>Robert M. Durham, Human Physiology - Functions of the Human Body, p. 262 (Wm. C. Brown, publishers, 1989).

<sup>2</sup>Patricia Valdez and Albert Mehrabian, Effects of Color on Emotion, J. of Experimental Psychology: General, V. 123, p. 396-397, Amer. Psych. Assn., Inc. (1994).

<sup>3</sup>James A. Russell and Albert Mehrabian, Environmental Variables in Consumer Research, J. of Consumer Research, V. 3, pp. 62-63 (June, 1976).

Psychologists have traditionally explained a person's behavior in general - and consumer behavior in particular - as a function of two classes of variables: those variables describing differences in environments (an environment being anything that is external to the person whose behavior is being explained and that can be measured independently of that person - ...) and those variables describing differences in the persons (whatever a person brings with him to the environment and that can be measured independently of the environment).

...  
We first turned to the studies of perception .... The variables included hue, brightness, and saturation of colors; .... We therefore turned to evidence on cross-modality in which an individual is stimulated. ... there are basic responses to all types of stimuli. ... from ... color patches to whole environments filled with ... changing physical inputs.

...  
... But information theory ... provides a powerful concept that helps describe the arousing quality of stimuli: the information rate of an environment. Environments that include more novel, complex, intense, unfamiliar, improbable, changing, moving, or uncertain aspects are greater in information rate.

As such, the Applicant has utilized human factors engineering for one feature of the present invention (i.e., the solid color-coding aspect).

### **C. Conclusion with respect to Issue II**

Thus, simple environments (e.g., color patches such as in the present invention), having a lower information rate than complex environments (e.g., thin colored rings around grey outlets of Kensington), are more efficiently perceived and recognized by the user as the mental processing rate is inversely proportional to the information rate of the environment. Conversely, patterned images require considerably greater visual and mental processing than do solid images. Thus, the Applicant respectfully submits that the Kensington invention does not anticipate the present invention integral or retrofitted solid color-coding as applied to a plug strip apparatus, intermediate cords, and peripheral devices which provides faster superior visual and mental recognition. **Alternatively, the Applicant respectfully submits that the present invention, as evident from the July 28, 1994, proprietary drawing, antedates the Kensington reference's September 1997 publication, and, thus, the Kensington reference is not even a valid §102(b) reference in the first instance.** Therefore, the Applicant respectfully requests that the Examiner's grounds for rejection be withdrawn as to Claims 29 and 30.

### **III. Whether Claims 29-32 are anticipated, under 35 U.S.C. §102(b), by U.S. Patent Serial No. 5,589,718 to Lee.**

#### **A. Specific nature of the Examiner's rejection**

The Examiner has rejected Claims 29-32, under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,589,718 to Lee, stating “The ‘718 Patent teaches an input power cord (14), a plurality of output receptacles (16a-h), and a housing member (12). .... Additionally, the ‘718 Pat. teaches color-coding system such that the outlets are assigned a different color.” Claims 29-32 have been previously either actually or constructively amended in the June 26, 2001, Response, as discussed supra. Notwithstanding Claims 29-32 being therein amended to more fully encompass the present invention, the Applicant respectfully traverses the Examiner’s grounds for rejection on this basis.

**B. Analysis in light of the evidence**

Claim 29 was amended, as discussed supra; and Claims 30-32 subsume the limitations of therein amended Claim 29. Claim 30 also retains the language “a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to each peripheral device of said plurality of peripheral devices utilizing said power strip apparatus.” Claim 31 retains “a plurality of solid colored electrical extension cords for selective attachment to said power strip apparatus.” Claim 32 retains “a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to each peripheral device of said plurality of peripheral devices utilizing said solid colored electrical extension cord.”

**1. Antedating evidence, under 37 C.F.R. §1.131(a), from the Declaration of the Applicant Noel Lee**

As discussed with respect to Issue II, in the December 12, 2000, Declaration of Noel Lee (para. 7), under 37 C.F.R. §1.131(a), the Applicant/Declarant specifically stated, “I conceived of the present invention in **May, 1993**, .... The first commercially viable *prototype* was manufactured by Monster Cable Products, Inc. in **September, 1997**, *generally in accordance with the proprietary drawing* [of **July 28, 1994**] contained in hereto attached Exhibit A [of record].” Thus, Monster’s **July 28, 1994, proprietary drawing** also antedates the ‘718 Patent which issued **December 31, 1996** (See herewith submitted Exhibit A) by over two (2) years.

Reiterating, in the final Office Action, the Examiner concludes that Exhibit A of the Declaration (herewith resubmitted and of record) is not the claimed invention in order to summarily dismiss the antedating issue. The drawing *generally shows a viable prototype* of the claimed central power source having the distinct solid color coding scheme. That the submitted formal drawings are clearer, should not render the **July 28, 1994, informal lab drawing**, in the Declaration's Exhibit A, non-representative of the claimed invention.

The instant continuation application (filed December 12, 2000) claims priority from a non-provisional application S/N 09/221,761 (filed December 28, 1998), in turn, claiming priority from a **provisional application S/N 60/070,317 (filed January 2, 1998)**, as is evident from the Related Application Section (Specification, p. 1, para. 1) and from item 18 of the Utility Patent Application Transmittal Form (form PTO/SB/05) therewith filed December 12, 2000. **Thus, the Applicant filed the priority application (i.e., the provisional application) on January 2, 1998, which is, at most, only five (5) months after the September 1997 viable prototype date.** The Examiner's continued assertion that a mere five months for continued exploration of marketability could possibly constitute a lack of due diligence on the Applicant's part (final Office Action, para. 4), remains perplexing. Therefore, the Applicant respectfully submits that the Examiner's statements regarding lack of due diligence may be in error, especially in light of her agreement with the Applicant's time-line computations (final Office Action., para. 30). Alternatively, the Applicant respectfully requests reconsideration of Noel Lee's 37 C.F.R. §1.131(a) Declaration.

## **2. Distinctions between the present invention and the Applicant's own '718 Patent**

A cited art reference is only anticipatory, under 35 U.S.C. §102, if every element of the claimed invention is identically shown in that single reference, as discussed supra. Claim 29 does not read on the '718 Patent, because it contains language not found in the '718 Patent;

1. "An AC **power strip**[:]" and
2. "a plurality of discrete, solid colored areas[:]"

and, thus, by dependency, Claims 30-32 also do not read on the '718 Patent. See Appendix B for a illustrations of the present **solid color coded** plug strip apparatus (pp. 57b-57c) and the

'718 Patent power line conditioner (p. 57d).

The '718 Patent does not even teach the use of **color-coding as applied to a power strip apparatus**. Rather, the '718 Patent teaches a limited form of color-coding in combination with *power line conditioner only*, the *limited form of color-coding* involving red, stripes, and rings. The present invention uses ***an unlimited color-coding in combination with a power strip apparatus, not a limited color-coding with a power line conditioner***. Professional Engineer Charles F. Kerchner, Jr., defines a power line conditioner:<sup>4</sup>

**Power Line Conditioner** - A PLC is a combination of a voltage regulating transformer with a super isolation transformer which provides smooth, regulated, noise free, AC voltage with no ohmic connection between input and output. A PLC will solve most problems other than complete power failure.

Thus, the claimed invention comprises an outlet strip for centralizing a power supply does not perform the same functions as a power line conditioner. In contrast, the '718 Patent discloses only a power line conditioner which, by definition, provides all of the following functions: (1) *undervoltage and overvoltage regulation*, (2) *surge and spike protection*, and (3) *line noise filtration*.<sup>5</sup> Thus, a power line conditioner is a different device which performs a set of functions distinct from the instant power strip apparatus.

### C. Conclusion with respect to Issue III

As such, the Applicant respectfully submits that the '718 Patent (red, stripes, and rings on a power line conditioner) does not anticipate the claimed invention elements comprising an unlimited *solid color-coding* (both integral and retrofitted) as applied to a *power strip apparatus with peripheral device indicia*, to intermediate electrical cords, and to peripheral devices. **Alternatively, the Applicant respectfully submits that the present invention, as evident from the July 28, 1994, proprietary drawing, antedates the '718 Patent's December 31, 1996, issue date; and, thus, the '718 Patent is also not even a valid §102(b) reference.** Therefore, the Applicant respectfully requests that the Examiner's grounds for rejection this basis be withdrawn as to Claims 29-32.

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<sup>4</sup>Charles F. Kerchner, Jr., P.E., President, Kalglo Electronics Co., Inc., *Power Line Problems -- An Introduction*, URL: <http://www.kalglo.com> (1985, last revised 5/7/92).

<sup>5</sup>Cole-Parmer Catalog, pp. 212-213 (1998).



**IV. Whether Claims 33-40 are unpatentable, under 35 U.S.C. §103(a), over U.S. Patent Serial No. 5,589,718 to Lee.**

**A. Specific nature of the Examiner's rejection**

The Examiner has rejected Claims 33-40, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,589,718 to Lee, stating, "It would have been obvious ... to modify the device taught by '718 Pat., to include stickers to attach to either: discrete areas of the housing extension cords, or peripheral devices or any combination/sub-combination thereof, because consistent with the scope of the '718 Pat. invention, color indicia/(stickers) attached throughout the entire system ... enables the various outlets provided to be easily identified and thus insures that each component connected thereto will be connected to an outlet specifically designed for the particular electronic characteristic for the component." Claims 33-40 have been previously either actually or constructively amended in the June 26, 2001, Response. Notwithstanding Claims 33-40 being therein amended to better encompass the present invention, the Applicant respectfully traverses the Examiner's grounds for rejection on this basis.

**B. Analysis in light of the evidence**

Claim 33 affirmatively recites an AC electrical **power strip** apparatus having a plurality of electrical outlets, said apparatus comprising: an input power cord member; an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets; and a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having a **plurality of discrete areas for receiving a plurality of solid colored stickers and a plurality of color coded indicia disposed proximately to each outlet of said plurality of outlets for retrofitting said plurality of outlets**, said plurality of **solid colored stickers** and said plurality of **color coded indicia** for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices.

Claims 34-36 subsume the limitations of the claims from which they depend. Claim 34 retains the language “a plurality of sets of a plurality of **solid colored stickers for selective attachment to an interconnecting electrical cord and to each said peripheral device** utilizing said power strip apparatus.” Claim 35 retains the language “a plurality of **solid colored electrical extension cords** for selective attachment to said power strip apparatus.” Claim 36 retains the language “a plurality of sets of **solid colored stickers for selective attachment to an interconnecting electrical cord and to each said peripheral device** utilizing said solid colored electrical extension cord.” Claim 37 affirmatively recites “an AC electrical power strip apparatus, as recited in Claim 29, further comprising **a kit, the kit comprising: a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to said each peripheral device** utilizing said power strip apparatus.”

5           Claim 38 affirmatively recites a method of providing AC power to a plurality of peripheral devices by color-coding, said method comprising the steps of: (a) providing an AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising: an input power cord member, an electrical distribution main electrically  
10       coupled to said input power cord member and to said plurality of electrical outlets, and a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having a plurality of discrete, solid colored areas disposed on and surrounding each outlet of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality  
15       of outlets with each device of said plurality of peripheral devices; (b) providing a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus; (c) providing an indicia element on each said solid colored area with identification information of each said peripheral device to be plugged to a solid colored area; (d) tagging each said peripheral device with one of said provided  
20       solid colored stickers; (e) tagging said interconnecting electrical cord with one of said provided solid colored stickers; and (f) attaching the tagged interconnecting electrical cord to the corresponding solid colored area on the AC power strip.

          Claim 39 affirmatively recites an AC electrical power strip apparatus, as recited in Claim 33, further comprising a kit, the kit comprising: a plurality of sets of at least three like solid

colored stickers, one of said set for selective attachment to said each area, to an interconnecting electrical cord, and to a peripheral device utilizing said power strip apparatus. Claim 40 affirmatively recites a plurality of solid colored electrical extension cords for selective attachment to said power strip apparatus of Claim 39. Claims 37-40 subsume the limitations of the therein amended claims from which they depend.

1. **Evidence of both common ownership and secondary considerations, under 37 C.F.R. §1.132, from the Declaration of the Applicant Noel Lee**

In the final Office Action (para. 8), the Examiner stated that the Declaration lacked sufficient evidence of long-felt need. In the final Office Action (para. 29), the Examiner concludes that Exhibit A of the Declaration (or record) is not the claimed invention in order to summarily dismiss the issue of common ownership as well as the 35 U.S.C. §103(c) issue raised by the Applicant. Again, the drawing *generally shows a viable prototype* of the claimed central power source having the distinct solid color coding scheme. That the submitted formal drawings are clearer, should not render the **July 28, 1994, informal lab drawing**, in the Declaration's Exhibit A [of record], non-representative of the claimed invention. Engineer David Pitcher was under an "obligation of assignment" of the present invention as well as of the misappropriated "Kensington" subject matter to Monster Cable Products, Inc.. As evidence, a copy of the Patent and Confidential Information Agreement, signed by David Pitcher, in favor of Monster Cable Products, Inc. is herewith submitted in Exhibit C. **Therefore, the Applicant respectfully resubmits that the claimed invention and the subject matter of the Kensington reference were commonly owned and under obligation of assignment at the time the present invention was made.**

The Examiner has cited *Demaco Corp. v. F. Von Langsdorf Licensing, Ltd.* (1988), in asserting insufficient evidence of commercial success (final Office Action, para. 7). The Applicant respectfully asserts that the Declaration of Noel Lee, under 37 C.F.R. §1.132, provides sufficient evidence of the nexus between commercial success and the merits of the present invention. The **general rule for sufficiency of evidence** with respect to commercial success is stated in *Winner International Royalty Corp., Inc. v. Wang*, No. 96-2107, 48 USPQ2d

1139 (D.C.D.C. June 12, 1998), decided 10 years after and being consistent with *Demaco*:  
“Plaintiff’s evidence is sufficient to establish commercial success of invention ..., since  
evidence shows that plaintiff has sold more than 1.5 million devices, worth more than \$60  
million in sales, since this economic data supports plaintiff’s position that its device is able  
5 to command significantly higher retail price ... to meet peculiar needs of certain consumers,  
... is clearly consistent with the fact of commercial success.”

In the present case, Noel Lee’s Declaration (para. 7), under 37 C.F.R. §1.132, states, “A  
need for a solid color-coded central power source has been long felt in the electronic  
components industry. Although stymied by the peripheral device connection confusion  
10 imparted by plain plug strips, the industry had made no progress toward my solution to the  
problem. No other manufacturer has been known to have made a solid color-coded central  
power supply having peripheral device identification prior to my invention. Further, the  
present invention is currently experiencing record sales and has dominated the market  
sector in the area of plug strips both domestically and in Asia. In addition, two large  
15 retailers, Good Guys<sup>TM</sup> and Sound Advice<sup>TM</sup> have completely discontinued sales of the  
competitor’s plug strip (Panamax<sup>TM</sup>) and are exclusively carrying only the present  
invention central power supply (See Exhibit B [of record] containing Monster Cable  
Products, Inc.’s sales figures; also see herewith submitted Declaration under Rule 132 of Karen  
Johnson for Good Guys, Inc.).” Specifically, Exhibit B of his Declaration (of record)  
20 demonstrates 458,010 units sold worth \$8,857,605.13 in retail sales to the date of November  
13, 2000. Thus, under *Winner*, Noel Lee’s Declaration provides sufficient evidence of the nexus  
between the merits of the invention and commercial success. Therefore, the Applicant  
respectfully requests reconsideration of Noel Lee’s Declarations.

25                   2.       **Evidence of secondary considerations, under 37 C.F.R. §1.132, from  
the Declaration of the Retailer Karen Johnson under 37 C.F.R.  
§1.132**

In the final Office Action (paras. 7 and 8), the Examiner stated that the Declaration of  
30 Karen Johnson of Good Guys, Inc. lacked evidence of the requisite nexus between the factor of  
commercial success and the merits of the claimed invention. In the final Office Action (para.

8), the Examiner stated that the Declaration lacked sufficient evidence of long-felt need. The Applicant respectfully asserts that the Declaration of Karen Johnson *likewise provides sufficient evidence of the nexus between commercial success and the merits of the present invention*. As discussed supra, the general rule of *Winner* is also applicable here: **“Plaintiff’s evidence is sufficient to establish commercial success of invention ..., since evidence shows that plaintiff has sold more than 1.5 million devices, worth more than \$60 million in sales, since this economic data supports plaintiff’s position that its device is able to command significantly higher retail price ... to meet peculiar needs of certain consumers, ... is clearly consistent with the fact of commercial success.”**

Here, Ms. Karen Johnson’s Declaration (para. 3) states, **“A need for a solid color-coded central power source has been long felt in the electronic components retail industry**. Although retail consumers have been stymied by the peripheral device connection confusion imparted by plain plug strips, the manufacturing industry had made no progress toward the Monster solution as no other manufacturer was known to have made a solid color-coded central power supply having peripheral device identification prior to the present invention. Further, **the Monster product is currently experiencing record sales through our retail chain and has dominated the market sector in the area of plug strips**. In addition, we have completely discontinued sales of the competitor’s plug strip (Panamax™) and are exclusively carrying only the Monster color-coded central power supply (See Exhibit A [of record] containing out retail sales figures and market share data).” Specifically, Exhibit A of her Declaration (of record) shows **31,657 units sold worth \$1,487,796.83 in retail sales** to the date of November 13, 2000. Thus, under *Winner*, Karen Johnson’s Declaration also provides sufficient evidence of the nexus between the merits of the invention and commercial success. Therefore, the Applicant respectfully requests reconsideration of Karen Johnson’s Declaration.

3. **Evidence of patentably distinct combination of features and their unexpectedly superior advantages in the present invention, under 37 C.F.R. §1.132, from the Declaration of the Expert Witness Environmental/Social Psychologist Dr. Albert Mehrabian**

In the final Office Action (para. 9), the Examiner persists in result-oriented circumlocution by stating that “However, as interpreted[,] the declaration supports the notion of expected beneficial results. ‘A solid color-coded device having peripheral device identification, constitutes a sol[i]d colored image which requires far less mental processing than required by the cited art ....’ It appears that through his extensive research, [Dr. Mehrabian] expects for there to be a ‘substantial advantage in using solid colors of high chroma ... expected beneficial results are evidence of obviousness just as unexpected results are evidence of unobviousness.’ What is *at issue* here is *not whether there is “substantial advantage in using solid colors of high chroma,” but whether “using solid colors of high chroma” in combination with a central power center (e.g., a plug strip apparatus) or a central power center kit is obvious.*

Further, the first sentence quoted by the Examiner is a statement of the expert witness’ findings as to the unexpected results of the present invention *combination of elements*, not a statement regarding his knowledge of *solid colors of high chroma* alone. After examining, discussing, and distinguishing the cited art references as well as prototypes of both the present invention and the Kensington apparatus, Dr. Mehrabian concluded: “Thus, the present invention, ... comprising **a solid color-coded device** [plug strip apparatus] having **peripheral device identification**, constitutes **a solid color image** which requires far less mental processing than required by the cited art that appears to be patterned color image (striped and ringed) devices, and therefore, **provides superior visual perception, mental recognition, and mental retention of associations between each peripheral device and its corresponding housing portion.**” Therefore, the Applicant respectfully requests reconsideration of Dr. Mehrabian’s Declaration.

#### **4. Present invention combination of features patentably distinct from the Applicant’s own ‘718 Patent**

The law, under 35 U.S.C. §103, is well settled that for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. The limitations that patentably distinguish Claim 33 from the ‘718 Patent are as follows:

1. “An AC electrical **power strip** apparatus[;]” and
2. “a plurality of **discrete areas for receiving** a plurality of **solid colored stickers** and a

plurality of **color coded indicia disposed proximately to each outlet of said plurality of outlets for retrofitting said plurality of outlets**[;]

and, thus, by dependency, Claims 34-36 and 39-40 are also patentably distinct from the '718 Patent. As discussed, supra, with respect to Issue III, Claim 37 is also patentably distinct from the '718 Patent by dependency from Claim 29. The limitations that patentably distinguish Claim 38 from the '718 Patent are as follows:

1. "an AC electrical **power strip** apparatus having a plurality of **color coded indicia ...**;" and
2. "a plurality of **discrete, solid colored areas disposed proximately on and surrounding each outlet** of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices;"
3. "a plurality of sets of **solid colored stickers** for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus;"
4. "an indicia element on each said solid colored area with **identification information of each said peripheral device** to be plugged to a solid colored area;"
5. "**tagging** each said **peripheral device** with one of said provided **solid colored stickers**;"
6. "**tagging** said **interconnecting electrical cord** with one of said provided **solid colored stickers**;" and
7. "**attaching** the **tagged** interconnecting electrical **cord** to the **corresponding solid colored area** on the AC power strip."

See again Appendix B for illustrations of the claimed solid color coded plug strip and kit (pp. 57b-57c) and the '718 Patent power line conditioner (p. 57d).

Reiterating, the solid colored areas, or areas being retrofitted by solid colored stickers, of the present invention are substantially more prominent to the human eye than the cited art colored rings or stripes, as discussed supra. In further support, please see details contained in the previously submitted Declaration of Dr. Albert Mehrabian, under 37 C.F.R. §132. In addition, the very purpose of the present invention is to *not* hardwire. Thus, the present invention provides nearly unlimited flexibility in allowing the user of any type of electronic peripheral device to customize his/her electronic "hook-ups" without "hang-ups" to an AC power

strip. Since the color-coding is applied to a plug strip rather than to a specialized electronic apparatus, the user may connect *any* peripheral device to *any* outlet with *any* interconnect that he/she so chooses. The present invention allows the user to designate (via the retrofitting option) the color-coding, because the interconnects and the stickers are not “hardwired.” Only the present application teaches the unique set of features comprising: (a) color-coding of a power strip using *solid* colors for each power outlet (See Claims 29, 30, 31, 32); (b) power cords in solid colors to correspond to the colors in the power strip, or, alternatively, colored stickers that can be attached to existing power cords supplied by manufacturers (See Claim 31); (c) colored labels for retrofitting an existing power strip (See amended Claim 33) or, alternatively, colored stickers with labels that can be attached to existing cords and/or equipment (See Claim 32); and (d) a plurality of power outlets in conjunction with corresponding different solid colors for each outlet (See Claims 29, 33, 37, 38, 39).

Also, areas of the housing member are either integrally or retrofittedly provided with solid color coded stickers and solid color coded indicia for distinguishing and associating a particular peripheral device to be electrically engaged at an outlet. Thus, while the solid colored stickers serve to identify the pathway (via any intermediate combination of cords) to a peripheral device, either a solid colored area of the housing member or a solid colored sticker having an integrally formed indicia identifies that device (e.g., symbols, numbers, words, or acronyms) in the present invention.

### C. Conclusion with respect to Issue IV

Thus, the ‘718 Patent does not teach, suggest, nor motivate the independent Claim 33 which recites, “An AC electrical power strip apparatus having a plurality of electrical outlets, said apparatus comprising: an input power cord member; an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets; and a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, **said housing also having a plurality of discrete areas for receiving a plurality of solid colored stickers and a plurality of color coded indicia disposed proximately to each outlet of said plurality of outlets for retrofitting said plurality of outlets, said plurality of solid colored stickers and said plurality of color coded indicia for**



associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices.” As such, the ‘718 would not teach, suggest, nor motivate the further combined elements of Claims 34-37 and 39-40 which are dependent from Claim 33.

5 Likewise, the ‘718 Patent does not teach, suggest, nor motivate the independent Claim 38 which recites, “A method of providing AC power to a plurality of peripheral devices by color-coding, said method comprising: (a) providing an AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising: an input power cord  
10 member, an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets, and a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having a plurality of discrete, solid colored areas disposed on and surrounding each outlet of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color,  
15 and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices; (b) providing a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus; (c) providing an indicia element on each said solid colored area with identification information of each said peripheral device to be plugged to a solid colored area;  
20 (d) tagging each said peripheral device with one of said provided solid colored stickers; (e) tagging said interconnecting electrical cord with one of said provided solid colored stickers; and (f) attaching the tagged interconnecting electrical cord to the corresponding solid colored area on the AC power strip. Therefore, the Applicant respectfully requests that the Examiner’s grounds for rejection on this basis be withdrawn as to Claims 33-40.

25  
**V. Whether Claims 33-40 are unpatentable, under 35 U.S.C. §103(a), over U.S. Patent Serial No. 5,589,718 to Lee, in view of U.S. Patent Serial No. 5,775,935 to Barna, and in further view of U.S. Patent Serial No. 5,366,250 to Sunabe.**

30 **A. Specific nature of the Examiner’s rejection**

5 The Examiner has rejected Claims 33-40 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,589,718 to Lee, in view of U.S. Patent No. 5,775,935 to Barna, and in further view of U.S. Patent No. 5,366,250 to Sunabe, stating “It would have been obvious ... to modify the teachings of ‘718 Pat., and Barna, with the teachings of Sunabe because as Sunabe discloses a visual pattern system reduces errors in wiring, and also makes tracing easier, and provides codes with stand out from conventional wiring diagrams, by ‘providing two indicia in a single component.” Claims 33-40 have been either actually or constructively amended in the June 26, 2001, Response. Notwithstanding Claims 33-40 being therein amended to better encompass the present invention, the Applicant hereby respectfully traverses the Examiner’s grounds for rejection on this basis.

## **B. Analysis in light of the evidence**

15 Claims 33-40 have been previously amended, as discussed supra. The Applicant respectfully resubmits that the Examiner’s grounds for rejection involve **impermissible hindsight reconstruction** and that the rejection based on such impermissible hindsight reconstruction is improper.

### **1. Relevant case law with respect to application of 35 U.S.C. §103(a)**

20 In the March 27, 2001, Office Action, the Examiner has asserted her position by quoting *In re Bozek*, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969):

25 It is the examiner’s position that this is obvious. It is [] well settled that obviousness may be concluded from **common knowledge** and **common sense** of the person skilled in the art without a specific hint or suggestion. .... It is **common sense** that the stickers (or any other matching indicia) are essential to the invention. It is the examiner’s position that Applicant is attempting to patent an old idea that is not novel. This after-market kit could be colored duct tape, colored diskette labels, post-it™ notes or tabs, packed with as many colors to accommodate the outlets of a power strip. **Person with less than that of ordinary skill in the art** have used labels or indicia means to color-code/ match.

30 As the Examiner has not cited *In re Bozek* in the final Office Action, the Applicant wishes to thank her for recognizing the inapplicability of *In re Bozek*, decided back in 1969, which has been implicitly narrowed by *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992):

Vital Signs has not offered sufficient independent evidence to support the district court's decision to combine elements from different references, arguing only that the suggestion to combine references comes from knowledge and common sense of a person of ordinary skill in the art. See, e.g., *In re Bozek*, .... **That common knowledge may have been within the province of the ordinary artisan does not in and of itself make it so, absent clear and convincing evidence of such knowledge.** See *C.R. Bard, Inc. v. M3 Sys., Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998); *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc.*, 776 F.2d 281, 297-98, 227 USPQ 657, 667 (Fed. Cir. 1985). Vital Signs, thus failed ... to establish why one of ordinary skill would have found it obvious to combine ... limitations in a particular way to achieve the ... invention.

However, the Applicant resubmits that *In re Jones* (1992), in restating the rule of *In re Fine* (1988) further defines the requisite suggestion for sustaining a §103(a) rejection:

Before the PTO may combine the disclosures of two or more prior art references in order to establish prima facie obviousness, **there must be some suggestion for doing so ....** *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598-99 (Fed. Cir. 1988). [at 1943] [emphasis added]

... the combination ... is not an extraordinary invention; it is deceptively simple. However, simplicity alone cannot be determinative of obviousness. See *Gentry Galley, Inc. v. Berkline Corp.*, 143 F.3d 1473, 1478 [45 USPQ2d 1498] (Fed. Cir. 1998); See also *In re Oetiker*, 977 F.2d 1443, 1447 [24 USPQ2d 1443] (Fed. Cir. 1992) ("**Simplicity alone is not inimical to patentability.**"). The standard of obviousness is not whether in hindsight, it seems elementary that someone would have combined these certain elements in the prior art to form the invention in question. .... It is insufficient to prove that at the time of the claimed invention, the separate elements of the device were present in the known art. Rather, there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill to combine such elements so as to create the same invention. See *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957 [43 USPQ2d 1294] (Fed. Cir. 1997).

The prior art **must provide** one of ordinary skill in the art the **motivation** to make the proposed molecular modifications needed to arrive at the claimed compound. [at 1944] [emphasis added]

The Applicant respectfully submits that the Examiner, in citing *In re McLaughlin*, 170 USPQ 209 (1971), has utilized the claimed invention's simplicity in rationalizing a §103(a) rejection of the claims under the **guise of "permissible hindsight,"** especially in light of the March 27, 2001, Office Action (para. 43), wherein the Examiner stated that a "person with **less than** that of **ordinary skill** in the art have used labels or indicia to color-code/match," and the August 28, 2001, final Office Action (para. 32), wherein the Examiner stated that "person[']s **with no skill** in the art have used labels or indicia to color-code/match." The Applicant hereby respectfully takes exception to the Examiner's implicit disparagement of the present invention under the guise of "Official Privilege" in these examination proceedings.

Nonetheless, *In re McLaughlin* **actually held much more than that which the Examiner indicated in the final Office Action:** "... the test for combining references is **not**

what the individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art.” *In re McLaughlin*, 170 USPQ at 212 (1971). The Court there further reversed the Board’s decision as to Claim 15, basing the reversal on a Rule 1.132 affidavit submitted by the appellant: “The evidence, comprising **two affidavits and a series of exhibits**, indicates that the invention has been **commercially successful** and that its **concept was promptly adapted by a competitor**. Recognizing that the **inference of obviousness** drawn from the prior art disclosures is **only prima facie justification** for drawing the ultimate legal conclusion that the claimed invention is unpatentable under 35 U.S.C. 103, it is **imperative** that such **secondary considerations** also be evaluated in determining the final validity of that legal conclusion. .... We emphasize that such is true even where, as here, the claimed invention involves **only relatively simple mechanical concepts**. .... ‘A patentable invention, within the ambit of 35 U.S.C. 103, may result even if the inventor *has*, in effect, **merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.**” *In re McLaughlin*, 170 USPQ at 212 (1971) [Emphasis added].

In the instant case, the Examiner has pointed to only individual features of the claimed invention in the individual references. Further, the Examiner concedes (final Office Action, para. 31) that “**Admittedly, the reasons for color coding may be different**” but goes on to conclusorily state that “the teachings are there nonetheless.” The Examiner has not shown that the combination of the disclosures taken as a whole suggest the claimed invention. **Since the Examiner herself concedes that the “reasons” for color-coding between the present invention and the combined cited art are distinct, the Applicant respectfully submits that neither suggestion nor motivation can then be reasonably inferred.** Even if the concept of color-coding, in general, has been known, **the concept has never been applied to a plug strip apparatus** until the present invention. The Examiner has yet to present any evidence that “a person of ordinary skill in the art,” the relevant art here being in *the area of plug strip apparatuses*, would have thought to combine a **plug strip** with (1) a **solid color coding system**, with (2) optional peripheral device indicia, and/or with (3) an optional sticker kit.

Further, the Examiner has summarily dismissed the Declaration of the Applicant Noel Lee, which testified to the **commercial success** on the order of **458,010 units sold worth \$8,857,605.13 in wholesales** last year as well as to the **nexus** between this commercial success and the merits (i.e., color-coding the plug strip) of the claimed invention, and the Declaration of Retailer Karen Johnson, which testified to the **commercial success** on the order of **31,657 units**

sold worth \$1,487,796.83 in retail sales last year as well as to the nexus between this commercial success and the merits (i.e., color-coding the plug strip) of the claimed invention. In addition, like as in the facts of *McLaughlin*, the **concept was promptly adapted by the competitor Kensington** as demonstrated by the Declarations of the Applicant Noel Lee (para. 6 of both Declarations). Likewise, the Examiner has summarily dismissed the relevance of all the submitted Exhibits of record.

Besides the Declarations of Noel Lee and Karen Johnson, the Examiner has made much ado about Expert Witness Dr. Mehrabian's 1.132 Declaration, contending that "he expects there to be a 'substantial advantage in using solid colors of high chroma'" to support her position that "expected beneficial results are evidence of obviousness just as unexpected results are evidence of unobviousness." Yet, **by the Examiner's very own cited case law, *In re McLaughlin*** also held that **'A patentable invention, within the ambit of 35 U.S.C. 103, may result even if the inventor has, in effect, merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.'**" Therefore, even if the combination of the instant claimed elements only produced results "inherent in their use" (i.e., "expected beneficial results"), as is asserted by the Examiner, the Applicant respectfully submits that this circumstance would not and does not preclude patentability under *McLaughlin*.

Further, *In re Fritch*, 922 F.2d 1260, 23 USPQ.2d 1780 (Fed. Cir. 1992), held:

Mere fact that prior art may be modified to reflect features of claimed invention does not make modification, and hence claimed invention, obvious **unless desirability of such modification is suggested by prior art ....** [at 1780] [emphasis added]

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious **unless the prior art suggested the desirability of the modification.** *In re Gordon*, 733 F.2d at 902, 221 USPQ at 1127. [at 1783] [emphasis added]

More recently, *Winner International Royalty Corp. v. Wang*, No. 96-2107, 48 USPQ.2d 1139 (D.C.D.C. 1998) has reinforced the foregoing rule, that the motivating suggestion must be explicit, in holding:

... invention cannot be found obvious **unless there was some explicit teaching or suggestion in art to motivate** one of even ordinary skill to combine elements so as to create same invention. [at 1140] [emphasis added]

... there **must have been some explicit teaching or suggestion in the art to motivate** one of even ordinary skill to combine such elements so as to create the same invention. [at 1444] [emphasis added]

The Applicant respectfully submits that, from the very beginning of examination, the

Examiner has prejudged the instant case under a misconception of the current case law as well as under an impermissible hindsight impression of the present invention. On May 10, 2000, the Applicant placed a routine telephone call to the Patent and Trademark Office seeking to conduct a telephonic interview with the Examiner. During that telephone contact, the Examiner reluctantly granted the telephonic interview which was conducted the next day, May 11, 2000. During the May 11, 2000, telephonic interview, the Applicant proposed submission of an informal Response to the outstanding Office Action with a proposed amendment to the claims. The Examiner therein stated that she would not consider an informal Response, but would only entertain a formal Response. However, the Examiner also therein stated that "I just don't see anything inventive here." The Applicant therein attempted to discuss any allowable subject matter with respect to the distinct combination of elements; however, the Examiner was not open to such discussion. **Consequently, the Examiner has not proffered any evidence of explicit nor even implicit teaching or suggestion in the relevant art (i.e., plug strip apparatuses) to motivate one of even ordinary skill to combine elements so as to create the claimed invention during the course of this long and protracted prosecution.**

Recently, on November 2, 2000, a rejection of claims under 35 U.S.C. §103 was reversed by the U.S.P.T.O. Board of Patent Appeals and Interferences in *Ex Parte Yamamoto*, 57 USPQ2d 1382, 1384, on the ground that the *examiner's mere conjecture and speculation* (e.g., the Examiner's assertion of "common sense and common knowledge"), that one of ordinary skill in the art would have considered a prior art composition used for stabilizing higher aliphatic aldehyde compounds to also be useful for stabilizing the applicant's claimed functional-group-containing compounds, *are insufficient for making an obviousness rejection.*

The appealed invention of *Ex Parte Yamamoto* involves a method for stabilizing a *long-chain unsaturated aliphatic* ester, alcohol, ketone, or hydrocarbon, having at least ten carbon atoms and at least one double bond, by admixing with stabilizers *2'-(2'-hydroxy-5'-methylphenyl)benzotriazole and a phenolic compound* at 0.1 - 10 wt. % of the long-chain unsaturated aliphatic compound. The examiner's cited reference, Ishihara et al. (U.S. Patent No. 4,568,771), disclosed a method for stabilizing an *aliphatic higher aldehyde compound* (i.e., a *pheromone*) by admixing with a stabilizer selected from a group consisting of *salicylic acid compounds, benzotriazole compounds* (e.g., *2'-(2'-hydroxy-5'-methylphenyl)benzotriazole*), and other compounds (e.g., *di-tert-butyl-p-cresol*) at 0.01 - 10 wt. % of the aldehyde compound. In reversing the rejection, the Board reasoned that the cited art method for stabilizing a *pheromone*,

which happens to be an *aldehyde*, does not teach, motivate, nor suggest the claimed method for stabilizing a *long-chain unsaturated aliphatic compound* (e.g., an ester, a alcohol, a ketone, or a hydrocarbon having at least ten carbon atoms and at least one double bond) using a similar stabilizer composition (i.e., *2'-(2'-hydroxy-5'methylphenyl)benzotriazole* in conjunction with *di-tert-butyl-p-cresol*). The Board's decision in *Ex Parte Yamamoto* reaffirmed the general rule that an obviousness rejection must be based in fact (**i.e., evidence or explanation regarding any teaching, suggestion, or motivation in or among the cited art**), not in the examiner's mere conjecture or speculation that "one of ordinary skill would have found the claimed invention obvious to try."

Even more recently, *In re Zurko*, 59 USPQ2d 1697, 1698 (CAFC), decided on **August 2, 2001**, prior to the final Office Action dated August 29, 2001, in reversing the Board's decision, held:

Finally, the deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is "**basic knowledge**" or "**common sense**" to one of ordinary skill in the art. ... the Board contended that "it is basic knowledge that communication in trusted environments is performed over trusted paths" and ... verifying the trusted command ... is "nothing more than good common sense." .... We cannot accept these findings by the Board. **This assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lacks substantial evidence support. .... Rather, the Board must point to some concrete evidence in the record in support of these findings.**<sup>2</sup> To hold otherwise would render the process of appellate review for substantial evidence on the record a meaningless exercise. .... Accordingly, we cannot accept the Board's unsupported assessment of the prior art.

## **2. Relevant case law applied to the evidence**

As discussed, *supra*, for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. The limitations that patentably distinguish Claim 33 from the '718 Patent, even in view of Barna, and even in further view of Sunabe, are as follows:

1. "An AC electrical **power strip** apparatus[;]" and
2. "a plurality of **discrete areas for receiving** a plurality of **solid colored stickers** and a plurality of **color coded indicia disposed proximately** to each outlet of said plurality of **outlets for retrofitting said plurality of outlets**[;]"

and, thus, by dependency, Claims 34-36 and 39-40 are also patentably distinct from the '718 Patent. As discussed, *supra*, with respect to Issue III, Claim 37 is also patentably distinct from

the '718 Patent by dependency from Claim 29. The limitations that patentably distinguish Claim 38 from the '718 Patent are as follows:

1. "an AC electrical **power strip** apparatus having a plurality of **color coded indicia ...**;"  
and
- 5 2. "a plurality of **discrete, solid colored areas disposed proximately on and surrounding each outlet** of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices;"
3. "a plurality of sets of **solid colored stickers** for selective attachment to an  
10 interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus;"
4. "an indicia element on each said solid colored area with **identification information of each said peripheral device** to be plugged to a solid colored area;"
5. "**tagging each said peripheral device with one of said provided solid colored stickers**;"
- 15 6. "**tagging said interconnecting electrical cord with one of said provided solid colored stickers**;" and
7. "**attaching the tagged interconnecting electrical cord to the corresponding solid colored area on the AC power strip.**"

See Appendix B again for illustrations of the claimed solid color coded plug strip and kit (pp.  
20 57b-57c), the '718 Patent power line conditioner (p. 57d), the Barna credit card terminal and bread-bag-style closures (pp. 57f-57g), and the Sunabe circuit breaker box markers (p. 57h).

The Applicant respectfully submits that the Examiner has not sustained her burden of establishing a prima facie case of obviousness. The Applicant respectfully submits that the Examiner's refusal to fully consider the relevant human factors, discussed, supra, has resulted  
25 in the Examiner's rejections, under 35 U.S.C. §103(a), and that such refusal arises from impermissible hindsight reconstruction, especially with respect to combining Barna and Sunabe.

On point with respect to the nature of the Examiner's rejections, is the case of *In re Gartside and Norton*, recently decided February 15, 2000, where the CAFC applied the well-established rules of *Dembiczak* (50 USPQ2d at 1616), *Graham* (148 USPQ at 467), *Pro-Mold* (37 USPQ2d 1626), and *Rouffet* (47 USPQ2d at 1456): "the ultimate determination ... whether  
30 an invention is or is not obvious is a legal conclusion based on underlying factual inquiries



including (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. ... the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. ... suggestion may come from ... the teachings of the references themselves, and ... from the nature of the problem to be solved.” Evidence of suggestion may be a “trend in the art” towards solving the problem by one of ordinary skill in the proposed manner.

More particularly, *Dembiczak*, in Section II of that opinion, states, “Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom of the field. .... Close adherence to this methodology is especially important ... where the very ease with which the invention can be understood may prompt one ‘to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.’ ... ‘must specifically identify the reasons one of ordinary skill in the art would have been motivated to select the references and combine them’ ... ‘objective teaching [leading to the combination]’ ... conclusion of obviousness was error ‘when it did not elucidate any factual teachings, suggestions or incentives from this prior art that showed the propriety of combination’ .... Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability — the essence of hindsight. ... the showing [of actual evidence] must be clear and particular. ... ‘examiner’s [mere] conclusory statement ... unaccompanied by evidence or reasoning ... is entirely inadequate to support the rejection.’”

Even more specifically on point are the rules of *In re Piasecki* (223 USPQ 785, 787-788) and *In re Lalu* (223 USPQ 1257, 1258) reiterated by *In re Fine* (5 USPQ2d at 1598), decided January 28, 1988, which states, “**Fine says the PTO has not established a prima facie case of obviousness. ... the references applied by the ... Examiner were improperly combined, using hindsight reconstruction, without evidence to support the combination .... He argues that ... the claims were rejected because the PTO thought it would have been ‘obvious to try’ the claimed invention, an unacceptable basis for rejection. We agree. The PTO has the**

burden ... to establish a prima facie case of obviousness. .... It can satisfy this burden only by a showing some objective teaching in the prior art or that the knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.”

5 Applying the foregoing rules against hindsight reconstruction to the instant case, the Examiner, in this and prior Office Actions, merely makes a blanket conclusion that one of ordinary skill in the art (even “one of less than ordinary skill in the art” in the first Office Action and now, even “person[']s with no skill in the art” in the final Office Action) would have done what the Applicant did to solve the problem:

10 It would have been obvious to one of ordinary skill in the art to modify the device taught by ‘718 Pat., to include stickers to attach to either: housing portions, extension cords, or peripheral devices or any combination/subcombination thereof, because consistent with the scope of the ‘718 Pat. invention, color indicia/(stickers) attached throughout the entire system (power strip, extension cord, peripheral device) enables the various outlets provided to be easily identified and thus insures that each component connected thereto will be connected to an outlet specifically designed for the particular electronic characteristic for the component. (‘718 Pat., at 4:14-18).

15 ... it is obvious to one of ordinary skill in the art at the time of the invention to modify ‘718 Pat. with the teachings of Barna, because Barna objective was to “provide a cable connecting system that secure a color coded alignment strip [] in a manner that prevents inadvertent removal of the alignment strip.” (Barna, at 3: 19-22).

20 .... It would have been obvious to one of ordinary skill in the art to modify the teachings of ‘718 Pat., and Barna, with the teachings of Sunabe because as Sunabe discloses a visual pattern system reduces errors in wiring, and also makes tracing easier, and provides codes [which] stand out from conventional wiring diagrams, by “providing two indicia in a single component.” ([Id.,] at 3:25-26).

25 However, the Examiner does concede that the ‘718 Patent does not disclose “stickers,” “a set,” “that a sticker is to be attached to a peripheral device,” “that the colored stickers are distinct from other stickers in the set,” “whereby said plurality of colored stickers provide an after-market means integrally provided for facilitating ascertainment of correct power distribution to said peripheral device,” and “an electrical power strip apparatus in kit-form.” The ‘718 Patent merely describes red stripes and rings applied to a power line conditioner. The Examiner also concedes that Barna does not disclose “stickers or stickers having indicia on them.” The Examiner summarily concludes that such was obvious to try. Neither evidence nor reasoning can be found in this Office Action nor even in the previous Office Actions to show teaching, motivation, nor suggestion in favor of combining these cited art references.

30 Further, the Examiner’s reasoning involves the use of the Applicant’s claimed invention

as “a template for piecing together” bits from the cited references. The Examiner states that the ‘718 Patent teaches “... a plurality of colored indicia provided for selective attachment to an electrical cord and to a peripheral device utilizing said power strip apparatus, each of said set being selected such that its color matches the colored portion to be utilized for powering peripheral device, each colored indicia of said set of colored indicia being a color distinct from any other colored indicia.” However, the Examiner concedes that the ‘718 Patent does not teach “stickers,” “a set,” “that a sticker is to be attached to a peripheral device,” “that the colored stickers are distinct from other stickers in the set,” “whereby said plurality of colored stickers provide an after-market means integrally provided for facilitating ascertainment of correct power distribution to said peripheral device,” and “an electrical power strip apparatus in kit-form.”

The Examiner has stated, in previous Office Actions, that Barna teaches “... a color coded alignment strip (40), ... attached to a device, which corresponds to color coded cables (52a, 52b, and 52c). The color coded alignment strip (which extends entirely around the electrical connection ports) is positioned and aligned in a recessed area (30) such that the colors of the alignment strip match the color of the cables. ... the color of the power cord connection cable (52c) corresponds with the color (44c) of the a section of the color coded alignment strip. (5:16-19). ... color-coding with tags (68a).” In this final Office Action, the Examiner continues to take Official Notice that “the sticker and tag solve the same problem of properly identifying proper connection via a color code system.” Barna merely teaches the use of a hardwired color-coded template applied to a **credit card terminal**, not a flexible color-coding system applied to the instant plug strip apparatus. Further, Barna’s loose “bread-bag-style” tags 68a, 68b, and 68c (**not adhered to the cables and can be easily dislodged as would Barna’s template strip**) are not equivalent to the Applicant’s colored stickers (**very much adhered to the cables, hence the term “sticker” as it “sticks”**). Barna only serves to illustrate the problem with visual identification (i.e., both the Barna template and the tags are not well affixed to the apparatus). Likewise, the Examiner does not state that Barna teaches, motivates, or suggests the Applicant’s combined use of integral and retrofitted solid color-coding (all well-affixed on the apparatus) and peripheral device indicia with a **plug strip apparatus**, intermediate cord(s), and peripheral devices.

The Examiner states that Sunabe teaches “... a set of wire markers (22), a set of outlet box

5 markers (23) with the markers carried on the carrier with each marker of each set being separably peelable from the carrier. ([*Id.*] at 3:50-53). The markers are numbered sequentially and are color coded red, black, and blue.” Sunabe merely teaches *limited color-coding* (i.e., black, red, blue, and white) applied to **wall outlets and circuit breaker boxes**. However, the Examiner does not show that Sunabe teaches, motivates, or suggests the Applicant’s combined use of integral and retrofitted solid color-coding and peripheral device indicia with a **plug strip apparatus**, intermediate cord(s), and peripheral devices.

10 The Examiner thereby makes another blanket conclusion: “It would have been obvious to one of ordinary skill in the art to modify the teachings of ‘718 Pat., and Barna, with the teachings of Sunabe because as Sunabe discloses a visual pattern system reduces errors in wiring, and also makes tracing easier, and provides codes [which] stand out from conventional wiring diagrams, by “providing two indicia in a single component.” **The Examiner has cited references (i.e., Lee’s power line conditioner, Kensington’s colored rings, Barna’s nonadhesive template and tags, and Sunabe’s circuit breaker box wire markers) which do**

15 **not even resemble the individual features of the claimed invention (i.e., plug strip apparatus, solid-colored portions, stickers that adhere by definition, and an indicia element on each said solid colored area with identification information of each said peripheral device to be plugged to a solid colored area), and then proceeds to combine these individual features where no such combination is taught, motivated, nor suggested by the cited art.**

20 Thus, not only does the Examiner use the Applicant’s teachings to “**piece-together**” the cited references, but the Examiner has inadvertently engaged in the practice of basing her rejection on the prohibited “obvious to try” assertion.

### 25 C. Conclusion as to Issue V

Thus, the ‘718 Patent, even in view of Barna, and even in further view of Sunabe, does not teach, motivate, nor suggest the Applicant’s **combined use of integral nor retrofitted solid color-coding and peripheral device indicia with a plug strip apparatus, intermediate cord(s), and peripheral devices**. Therefore, the Applicant respectfully resubmits that the

30 Examiner has inadvertently fallen victim to the “insidious hindsight syndrome” expressly prohibited by current case law, especially by the very recent decision of *In re Zurko*, “**This**

assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lacks substantial evidence support. .... Rather, the Board must point to some concrete evidence in the record in support of these findings[,]” which sets forth the specific criteria for establishing prima facie obviousness. Therefore, the Applicant respectfully requests that the Examiner’s grounds for rejection on this basis be withdrawn as to Claims 33-40.

**VI. Whether Claims 33-40 are unpatentable, under 35 U.S.C. §103(a), over a product review webpage by LaMont Ridgell of MacUser for a Kensington SmartSockets™ Strip Model and Adapter Model published September 1997, in view of U.S. Patent Serial No. 5,366,250 to Sunabe.**

**A. Specific nature of the Examiner’s rejection**

The Examiner has rejected Claims 33-40 under 35 U.S.C. §103(a), as being unpatentable over the Kensington publication, in view of U.S. Patent No. 5,366,250 to Sunabe, stating, “It would have been obvious ... to combine the teachings of Kensington with the teachings of Sunabe because both solve the same problem utilizing indicia/indicia means for ‘end to end’ correct attachment of wires to reduce errors or mistakes in connecting or disconnecting of wires.” Claims 33-40 have been previously either actually or constructively amended, as discussed supra. Notwithstanding Claims 33-40 being previously amended to better encompass the present invention, the Applicant respectfully traverses the Examiner’s grounds for rejection on this basis.

**B. Analysis in light of the evidence**

Reiterating, for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. The limitations that patentably distinguish Claim 33 from the Kensington publication are as follows:

1. “An AC electrical **power strip** apparatus[;]” and
2. “a plurality of **discrete areas for receiving** a plurality of **solid colored stickers** and a plurality of **color coded indicia disposed proximately** to each outlet of said plurality of **outlets for retrofitting said plurality of outlets**[;]”

and, thus, by dependency, Claims 34-36 and 39-40 are also patentably distinct from the '718 Patent. As discussed, supra, with respect to Issue III, Claim 37 is also patentably distinct from the '718 Patent by dependency from Claim 29. The limitations that patentably distinguish Claim 38 from the '718 Patent are as follows:

1. "an AC electrical **power strip** apparatus having a plurality of **color coded indicia** ...;" and
2. "a plurality of **discrete, solid colored areas disposed proximately on and surrounding each outlet** of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices;"
3. "a plurality of sets of **solid colored stickers** for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus;"
4. "an indicia element on each said solid colored area with **identification information of each said peripheral device** to be plugged to a solid colored area;"
5. "**tagging** each said **peripheral device** with one of said provided **solid colored stickers**;"
6. "**tagging** said **interconnecting electrical cord** with one of said provided **solid colored stickers**;" and
7. "**attaching** the **tagged** interconnecting electrical **cord** to the **corresponding solid colored area** on the AC power strip."

See again Appendix B for an illustration of the claimed solid color coded plug strip and kit (pp. 57b-57c) and a photograph of the Kensington colored-ring plug strip (p. 57e).

Although Kensington teaches *thin colored rings disposed at a notable radius away from the outlets*, the Examiner has not demonstrated that the Kensington disclosure motivates or suggests the use of **solid color-coding** on a **plug strip**. The Examiner merely used the Applicant's disclosure to connect the cited references without any objective indicia of motivation nor suggestion to combine those references to blanketly conclude that the present invention was "obvious to try," in the manner discussed supra. Further, neither the problem of optimizing visual identification nor any trend toward a solution along the line of the Applicant's invention is alluded in the cited art.

As discussed supra, Sunabe merely teaches *limited color-coding* (i.e., black, red, blue, and white) applied to **wall outlets and circuit breaker boxes**. Reiterating, the Examiner has not shown that Sunabe teaches, motivates, or suggests the Applicant's combined use of integral and retrofitted solid color-coding and peripheral device indicia with a **plug strip apparatus**, intermediate cord(s), and peripheral devices.

**C. Conclusion as to Issue VI**

Thus, Kensington, even in view of Sunabe, does not teach, motivate, nor suggest the Applicant's combined use of integral nor retrofitted solid color-coding and peripheral device indicia with a plug strip apparatus, intermediate cord(s), and peripheral devices. Therefore, the Applicant respectfully submits that the Examiner has again inadvertently fallen victim to the "insidious hindsight syndrome" arising from a misunderstanding of the current case law which sets forth the specific criteria for establishing prima facie obviousness. Therefore, the Applicant respectfully requests that the Examiner's grounds for rejection on this basis be withdrawn as to Claims 33-40.

**VII. Whether rejection of Claims 29-40 under 35 U.S.C. §103(a) is improper under 37 C.F.R. §1.104(d)(2).**

**A. Specific nature of the Examiner's Official Notice with respect to U.S. Patent Serial No. 5,775,935 to Barna**

The Examiner continues to exercise Official Notice in order to combine elements where no teaching, motivation, nor suggestion for such combination exists in the cited art. Reiterating, the Examiner has again taken Official Notice that "the sticker and tag solve the same problem of properly identifying proper connection via a color code system." Notwithstanding Claims 29-40 having been either actually or constructively previously amended, as discussed supra, the Applicant hereby respectfully traverses the Examiner's grounds for rejection on this basis.

**B. Analysis in light of the evidence**

However, Barna merely teaches the use of a hardwired color-coded template applied to a credit card terminal, not the instant flexible color-coding system applied to the instant **plug strip apparatus**. *Reiterating, Barna's loose "bread-bag-style" tags 68a, 68b, and 68c (not adhered to the cables) in combination with a credit card terminal are not the equivalent of the Applicant's colored stickers which are very much adhered to the cables in combination with a plug strip apparatus.* The Examiner does not show that the '718 Patent teaches motivates, or suggests the Applicant's synergistically combined use of integral and retrofitted solid color-coding and peripheral device indicia with a plug strip apparatus, intermediate cord(s), and peripheral devices. In paragraph 25 of the final Office Action dated August 28, 2001, with reference to Barna's credit card terminal, the Examiner restated, "Official notice is taken that the sticker and tag solve the same problem of properly identifying proper connection via a color code system. Hence, both function to ensure easy visual identification."

#### C. Conclusion as to Issue VII

Consequently, the Applicant respectfully submits that rejection of Claims 29-40 is improper and that Official Notice has been improperly taken under 37 C.F.R. §1.104(d)(2), which states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the *data shall be as specific as possible*, and the *reference must be supported*, when called for by the applicant, by *the affidavit of such employee*, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Therefore, the Applicant has requested, in the June 26, 2001, Response, that an affidavit, under 37 C.F.R. §1.104(d)(2), be made by the Examiner and supplied to the Applicant as to *facts and/or data* to support her position that *a solid color coded power strip apparatus or a solid color-coding kit for a power strip apparatus* would be unpatentable over Barna under 35 U.S.C. §103(a). However, the Examiner refused to comply with the requirements under 37 C.F.R. §1.104(d)(2). Alternatively, even if Official Notice could have been properly taken in this circumstance, the Official Notice would be merely of one feature (only color-coded stickers) of the claimed invention, not to the claimed combination as a whole (i.e., color-coded stickers in combination with a plug strip apparatus), thereby rendering the rejection improper under 35 U.S.C. §103(a).



VIII. Whether rejection, under 35 U.S.C. §103(a), is improper, under 35 U.S.C. §103(c), with respect to U.S. Patent Serial No. 5,589,718 to Lee, the Kensington publication, U.S. Patent Serial No. 5,775,935 to Barna, and U.S. Patent Serial No. 5,366,250 to Sunabe, as to Claims 29-40.

**A. Specific nature of the Examiner's rejection**

The nature of these rejections is discussed, supra. The Applicant hereby further respectfully traverses the Examiner's grounds for rejection on the basis that the references have been improperly combined under the provisions of 35 U.S.C. §103(c), effective November 29, 1999, which states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In addition, MPEP §706.02(1)(2) states, in relevant part:

*... entirely or wholly owned by the same person, persons, or organization at the time the claimed invention was made. If the person, persons, or organization owned less than 100 percent of the subject matter which would otherwise be prior art to the claimed invention, or less than 100 percent of the claimed invention, then common ownership would not exist. Common ownership requires that the person, persons, or organization own 100 percent of the subject matter and 100 percent of the claimed invention.*

The requirement for common ownership at the time the claimed invention was made is intended to preclude obtaining ownership of subject matter after the claimed invention was made in order to disqualify that subject matter as prior art against the claimed invention.

... Actual ownership of the subject matter and the claimed invention by the same individual or organization or a legal obligation to assign both the subject matter and the claimed invention to the same individual or organization must be in existence at the time the claimed invention was made in order for the subject matter to be disqualified as prior art.

... Actual ownership of the subject matter and the claimed invention by the same individual or organization or a legal obligation to assign both the subject matter and the claimed invention to the same individual or organization must be in existence at the time the claimed invention was made in order for the subject matter to be disqualified as prior art. ...

**B. Analysis in light of the evidence**

The Applicant wishes to thank the Examiner for her comments and her agreement with the Applicant in paragraph 30 regarding the correct calculation of the reduction to practice and

due diligence. In sum, the Examiner and the Applicant agree that *conception* has occurred prior to the **July 28, 1994, drawing date**, (Exhibit A) that the **July 28, 1994, drawing date** falls within the time period (continuum) of *actual reduction to practice*, and that *constructive reduction to practice* occurred by virtue of filing a **provisional application** on the date of **January 2, 1998**. In light of the Examiner's agreement in paragraph 30 of the final Office Action with the dates presented by the Applicant, the Applicant respectfully submits that paragraphs 2-4 and 29 of the final Office Action are no longer relevant to the instant case.

With respect to paragraph 34 of the final Office Action, the Examiner has asked: "Is the applicant stating that both the '718 Patent and Kensington disclosure should *at best* be a nonstatutory double patent rejection as opposed to a 35 USC 103 rejection because they were both commonly owned at the time of the present invention." There appears to be some confusion as to the relevance of the **common ownership issue**. The Applicant wishes to state for the record that the Applicant has raised the issue of common ownership for the purposes of 35 U.S.C. §103(c) analysis only, and does **not**, in any way, state "that both the '718 Patent and Kensington disclosure should *at best* be a nonstatutory double patent rejection as opposed to a 35 USC 103 rejection." However, if the Examiner believes that a terminal disclaimer would advance the pending claims to allowance, she is cordially invited to telephone the undersigned to discuss such possibility.

Applying 35 U.S.C. §103(c) to the instant case, the subject matter of the **'718 Patent to Lee was owned by Monster Cable International, Ltd., a wholly-owned subsidiary of Monster Cable Products, Inc., and the claimed invention (the provisional application filed January 2, 1998) was subject to an obligation of assignment to Monster Cable Products, Inc. at the time the present invention was made** (See corporate documents contained in herewith submitted Exhibit D). Reiterating, **Monster's proprietary drawing of July 28, 1994**, evidencing actual reduction to practice, also **antedates** the '718 Patent's issue date of **December 31, 1996**, by **over two (2) years**; therefore, the Applicant submits that the '718 Patent is also invalid as a 35 U.S.C. §102(b) reference. Thus, **the '718 Patent should be disqualified under 35 U.S.C. §103(c)**.

Further, assignment of an application claiming the benefits of a provisional application is provided by MPEP §306.01 which states, in relevant part:

5 If an application which claims the earlier filing date of a provisional application under 35 U.S.C. 119(e) includes only subject matter which formed a part of the provisional application, **an assignment recorded against the provisional application will be effective in the later application, ....** If an application claiming the earlier filing date of a provisional application includes subject matter that is not common with subject matter of the provisional application, new assignment papers must be submitted in the later application, similar to the practice with respect to continuations-in-part filed under 35 U.S.C. 120.

10 Here, the obligation of assignment of **January 2, 1998**, with respect to the present invention did, in fact, come into fruition and was duly assigned on **June 3, 1998**. The instant continuation application, filed **December 12, 2000**, claims priority from the nonprovisional application, filed **December 28, 1998**, which contains the same specification and drawings as appearing in the provisional application, filed **January 2, 1998**. See Exhibit C for a photocopy of the Assignment documents, signed by the Applicant. Thus, *the assignment recorded against the provisional*  
15 *application is effective in both the nonprovisional application filed December 28, 1998 and its continuation application thereof* (i.e., the present application). Further, as the instant continuation application was filed **December 12, 2000**, after the effective date of **November 29, 1999**, 35 U.S.C. §103(c) could and should apply.

20 In addition, *the subject matter of the Kensington disclosure, which was commonly under obligation of assignment to Monster Cable Products, Inc., at the time the present invention was made, had been misappropriated to Kensington Microwave, Ltd. by a former employee and worker-for-hire, Engineer David Pitcher*. See again Exhibit C for a copy of David Pitcher's Agreement to assign the subject matter of any of his inventions developed during the course of his employment to Monster Cable Products, Inc.. Again, **Monster's July 28, 1994,**  
25 **proprietary drawing**, evidencing actual reduction to practice, also **antedates Kensington's September 1997 publication** (See Exhibit A) by over three years; therefore, the Applicant submits that **Kensington is not a valid reference under 35 U.S.C. §102(b)**. Thus, the **Kensington reference should also be disqualified under 35 U.S.C. §103(c)**.

### 30 C. Conclusion as to Issue VIII

In full support, the Rule 1.131 and 1.132 Declarations of Noel Lee have already stated these time line facts explicitly. Thus, the Applicant respectfully resubmits that **both the '718 Patent to Lee and the Kensington disclosure are invalid as 35 U.S.C. §102(b) references and**

have been improperly combined with U.S. Patent No. 5,775,935 to Barna and U.S. Patent No. 5,366,250 to Sunabe, and that the '718 Patent to Lee as well as the Kensington disclosure, therefore, should be disqualified as prior art under 35 U.S.C. §103(c). Therefore, the Applicant respectfully requests that all of the Examiner's grounds for rejection, under 35 U.S.C. §103(a), on the foregoing bases be withdrawn, under 35 U.S.C. §103(c), as to Claims 29-40.

**The Claims Do Not Stand Nor Fall Together:**

The Applicant respectfully submits that the claims either stand or fall individually. With regard to independent Claim 29, Claims 30-32 and 37 are dependent therefrom and differ in cumulative language as follows:

Claim 29. An AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising:

an input power cord member;

an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets; and

a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having a plurality of discrete, solid colored areas, each said discrete solid colored area being disposed on and surrounding each outlet of said plurality of outlets for associating said each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each peripheral device of said plurality of peripheral devices.

Claim 30. further comprising:

a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to each peripheral device of said plurality of peripheral devices utilizing said power strip apparatus, each sticker of said set being selected such that its color matches the solid colored

area to be utilized for powering said each peripheral device,  
each said set of solid colored stickers being a color distinct from any other said  
set of solid colored stickers.

Claim 31. further comprising:

a plurality of solid colored electrical extension cords for selective attachment to said  
power strip apparatus,  
each colored electrical extension cord of said plurality of solid colored electrical  
extension cords being a color distinct from any other solid colored  
electrical extension cord in said plurality of solid colored electrical  
extension cords,  
each solid colored electrical extension cord being selected such that its color  
matches the color of the solid colored area being utilized.

Claim 32. further comprising:

a plurality of sets of solid colored stickers for selective attachment to an interconnecting  
electrical cord and to each peripheral device of said plurality of peripheral devices  
utilizing said solid colored electrical extension cord,  
each solid colored sticker of said set being selected such that its color matches the  
color of the solid colored area and the color of a solid colored electrical  
extension cord being utilized,  
each said set of solid colored stickers being a color distinct from any other said  
set of solid colored stickers.

Claim 37. further comprising a kit, the kit comprising:

a plurality of sets of solid colored stickers for selective attachment to an interconnecting  
electrical cord and to said each peripheral device utilizing said power strip  
apparatus.

With regard to independent Claim 33, Claims 34-36 and 39-40 are dependent therefrom  
and differ in cumulative language as follows:

Claim 33. An AC electrical power strip apparatus having a plurality of electrical outlets,  
said apparatus comprising:

an input power cord member;

an electrical distribution main electrically coupled to said input power cord member and  
5 to said plurality of electrical outlets; and

a housing member for housing said distribution main and said outlets, and for securing  
said power cord member to said main, said housing also having a plurality of  
discrete areas for receiving a plurality of solid colored stickers and a plurality of  
color coded indicia disposed proximately to each outlet of said plurality of outlets  
10 for retrofitting said plurality of outlets, said plurality of solid colored stickers and  
said plurality of color coded indicia for associating each outlet of said plurality  
of outlets with a particular color, and for associating each outlet of said plurality  
of outlets with each device of said plurality of peripheral devices.

Claim 34. further comprising:

a plurality of sets of a plurality of solid colored stickers for selective attachment to an  
interconnecting electrical cord and to each said peripheral device utilizing said  
power strip apparatus,

5 each solid colored sticker of said plurality of solid colored stickers of each said  
set being selected such that its color matches the color of the solid colored  
sticker provided on the area,

each said set of solid colored stickers being a color distinct from any other said  
set of solid colored stickers.

Claim 35. further comprising:

a plurality of solid colored electrical extension cords for selective attachment to said  
power strip apparatus,

5 each solid colored electrical extension cord of said plurality of solid colored  
electrical extension cords being a color distinct from any other solid  
colored electrical extension cord in said plurality of solid colored  
electrical extension cords,

each solid colored electrical extension cord being selected such that its color matches the color of the solid colored sticker provided on the area being utilized.

Claim 36. further comprising:

a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to each said peripheral device utilizing said solid colored electrical extension cord,

5 each solid colored sticker of said set being selected such that its color matches the color of the solid colored sticker and the color of the solid colored electrical extension cord being utilized,

each said set of solid colored stickers being a color distinct from any other said set of solid colored stickers.

Claim 39. further comprising a kit, the kit comprising:

a plurality of sets of at least three like solid colored stickers, one of said set for selective attachment to said each area, to an interconnecting electrical cord, and to a peripheral device utilizing said power strip apparatus.

Claim 40. further comprising:

a plurality of solid colored electrical extension cords for selective attachment to said power strip apparatus,

5 each solid colored electrical extension cord being selected such that its color matches the color of the area being utilized,

each solid colored electrical extension cord of said plurality of solid colored electrical extension cords being a color distinct from any other solid colored electrical extension cord in said plurality of solid colored electrical extension cords.

10

With regard to independent method Claim 38, the illustrative language reads as follows:

Claim 38. A method of providing AC power to a plurality of peripheral devices by color-coding, said method comprising:

- 5 (a) providing an AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising:
- an input power cord member,  
an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets, and  
a housing member for housing said distribution main and said outlets, and for  
10 securing said power cord member to said main, said housing also having a plurality of discrete, solid colored areas disposed on and surrounding each outlet of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral  
15 devices;
- (b) providing a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus;
- (c) providing an indicia element on each said solid colored area with identification  
20 information of each said peripheral device to be plugged to a solid colored area;
- (d) tagging each said peripheral device with one of said provided solid colored stickers;
- (e) tagging said interconnecting electrical cord with one of said provided solid colored stickers; and
- 25 (f) attaching the tagged interconnecting electrical cord to the corresponding solid colored area on the AC power strip.

Thus, the Applicant likewise respectfully submits that inventive features may be individually characterized; and that, therefore, the foregoing claims should not stand nor fall together. Only a truly anticipatory reference in every sense would be able to render all of the foregoing claims unpatentable.



## CONCLUSION

Accordingly, Claims 29-40, as amended in the June 26, 2001, Response, better encompass the full scope and breadth of the present invention, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. Accordingly, the Applicant respectfully reasserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. Pending Claims 29-40 are believed to be fully supported by the specification, and are believed to be in allowable form, or alternatively, in better form for appeal. In view of the foregoing arguments, the Applicant respectfully request that the rejection of Claims 29-40 be withdrawn. The Applicant and his attorneys have conducted the instant prosecution with decorum and courtesy; and the Examiner is hereby cordially invited to telephone the undersigned for any reason, in addition to the possibility of a terminal disclaimer, which would advance the pending claims to allowance.

Respectfully submitted,



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**APPENDIX A**  
**(37 C.F.R. §1.192(c)(9))**

**Claims:**

29. An AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising:
- an input power cord member;
  - an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets; and
  - a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having a plurality of discrete, solid colored areas, each said discrete solid colored area being disposed on and surrounding each outlet of said plurality of outlets for associating said each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each peripheral device of said plurality of peripheral devices.
30. An AC electrical power strip apparatus, as recited in Claim 29, further comprising:
- a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to each peripheral device of said plurality of peripheral devices utilizing said power strip apparatus,
  - each sticker of said set being selected such that its color matches the solid colored area to be utilized for powering said each peripheral device,
  - each said set of solid colored stickers being a color distinct from any other said set of solid colored stickers.

31. An AC electrical power strip apparatus, as recited in Claim 29, further comprising:  
a plurality of solid colored electrical extension cords for selective attachment to said  
power strip apparatus,

5 each colored electrical extension cord of said plurality of solid colored electrical  
extension cords being a color distinct from any other solid colored  
electrical extension cord in said plurality of solid colored electrical  
extension cords,

10 each solid colored electrical extension cord being selected such that its color  
matches the color of the solid colored area being utilized.

32. An AC electrical power strip apparatus, as recited in Claim 31, further comprising:  
a plurality of sets of solid colored stickers for selective attachment to an interconnecting  
electrical cord and to each peripheral device of said plurality of peripheral devices  
utilizing said solid colored electrical extension cord,

5 each solid colored sticker of said set being selected such that its color matches the  
color of the solid colored area and the color of a solid colored electrical  
extension cord being utilized,

each said set of solid colored stickers being a color distinct from any other said  
set of solid colored stickers.

33. An AC electrical power strip apparatus having a plurality of electrical outlets, said  
apparatus comprising:

an input power cord member;

5 an electrical distribution main electrically coupled to said input power cord member and  
to said plurality of electrical outlets; and

10 a housing member for housing said distribution main and said outlets, and for securing  
said power cord member to said main, said housing also having a plurality of  
discrete areas for receiving a plurality of solid colored stickers and a plurality of  
color coded indicia disposed proximately to each outlet of said plurality of outlets  
for retrofitting said plurality of outlets, said plurality of solid colored stickers and  
said plurality of color coded indicia for associating each outlet of said plurality  
of outlets with a particular color, and for associating each outlet of said plurality  
of outlets with each device of said plurality of peripheral devices.

34. An AC electrical power strip apparatus, as recited in Claim 33, further comprising:  
a plurality of sets of a plurality of solid colored stickers for selective attachment to an  
interconnecting electrical cord and to each said peripheral device utilizing said  
power strip apparatus,

5 each solid colored sticker of said plurality of solid colored stickers of each said  
set being selected such that its color matches the color of the solid colored  
sticker provided on the area,  
each said set of solid colored stickers being a color distinct from any other said  
set of solid colored stickers.

35. An AC electrical power strip apparatus, as recited in Claim 33, further comprising:  
a plurality of solid colored electrical extension cords for selective attachment to said  
power strip apparatus,

5 each solid colored electrical extension cord of said plurality of solid colored  
electrical extension cords being a color distinct from any other solid  
colored electrical extension cord in said plurality of solid colored  
electrical extension cords,

each solid colored electrical extension cord being selected such that its color  
matches the color of the solid colored sticker provided on the area being  
10 utilized.

36. An AC electrical power strip apparatus, as recited in Claim 35, further comprising:  
a plurality of sets of solid colored stickers for selective attachment to an interconnecting  
electrical cord and to each said peripheral device utilizing said solid colored  
electrical extension cord,

5 each solid colored sticker of said set being selected such that its color matches the  
color of the solid colored sticker and the color of the solid colored  
electrical extension cord being utilized,

each said set of solid colored stickers being a color distinct from any other said  
set of solid colored stickers.

37. An AC electrical power strip apparatus, as recited in Claim 29, further comprising a kit, the kit comprising:

a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus.

38. A method of providing AC power to a plurality of peripheral devices by color-coding, said method comprising:

(a) providing an AC electrical power strip apparatus having a plurality of color coded indicia for a plurality of electrical outlets thereon for associating a plurality of peripheral devices coupled thereto, said apparatus comprising:

an input power cord member,

an electrical distribution main electrically coupled to said input power cord member and to said plurality of electrical outlets, and

a housing member for housing said distribution main and said outlets, and for securing said power cord member to said main, said housing also having a plurality of discrete, solid colored areas disposed on and surrounding each outlet of said plurality of outlets for associating each outlet of said plurality of outlets with a particular color, and for associating each outlet of said plurality of outlets with each device of said plurality of peripheral devices;

(b) providing a plurality of sets of solid colored stickers for selective attachment to an interconnecting electrical cord and to said each peripheral device utilizing said power strip apparatus;

(c) providing an indicia element on each said solid colored area with identification information of each said peripheral device to be plugged to a solid colored area;

(d) tagging each said peripheral device with one of said provided solid colored stickers;

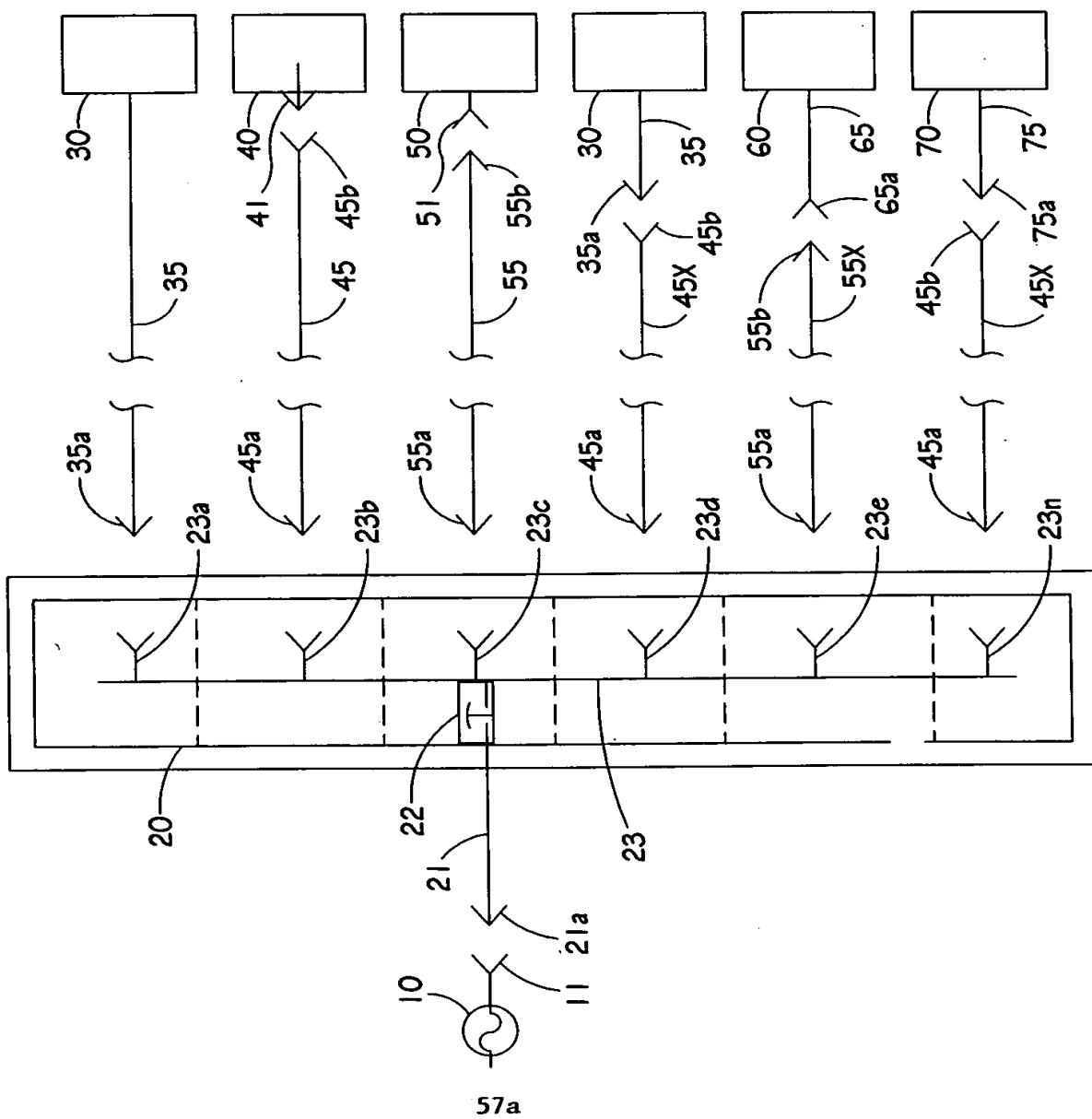
(e) tagging said interconnecting electrical cord with one of said provided solid colored stickers; and

- 25 (f) attaching the tagged interconnecting electrical cord to the corresponding solid colored area on the AC power strip.
39. An AC electrical power strip apparatus, as recited in Claim 33, further comprising a kit, the kit comprising:  
a plurality of sets of at least three like solid colored stickers, one of said set for selective attachment to said each area, to an interconnecting electrical cord, and to a  
5 peripheral device utilizing said power strip apparatus.
40. An apparatus, as recited in Claim 39, further comprising:  
a plurality of solid colored electrical extension cords for selective attachment to said power strip apparatus,  
each solid colored electrical extension cord being selected such that its color  
5 matches the color of the area being utilized,  
each solid colored electrical extension cord of said plurality of solid colored electrical extension cords being a color distinct from any other solid colored electrical extension cord in said plurality of solid colored electrical extension cords.

## **APPENDIX B: COMPARATIVE DRAWINGS**

**(37 C.F.R. §1.192(c)(6))**

- 1. Present Invention (3 pages)**
- 2. '718 Patent to Lee (1 page)**
- 3. Kensington Publication (1 page)**
- 4. Barna (1 page)**
- 5. Sunabe (1 page)**
- 6. Prior Art Plain Plug Strip Problems**
- 7. Present Invention Solid Color Coded Plug Strip Solutions**



**Figure 1**  
**(Prior Art)**



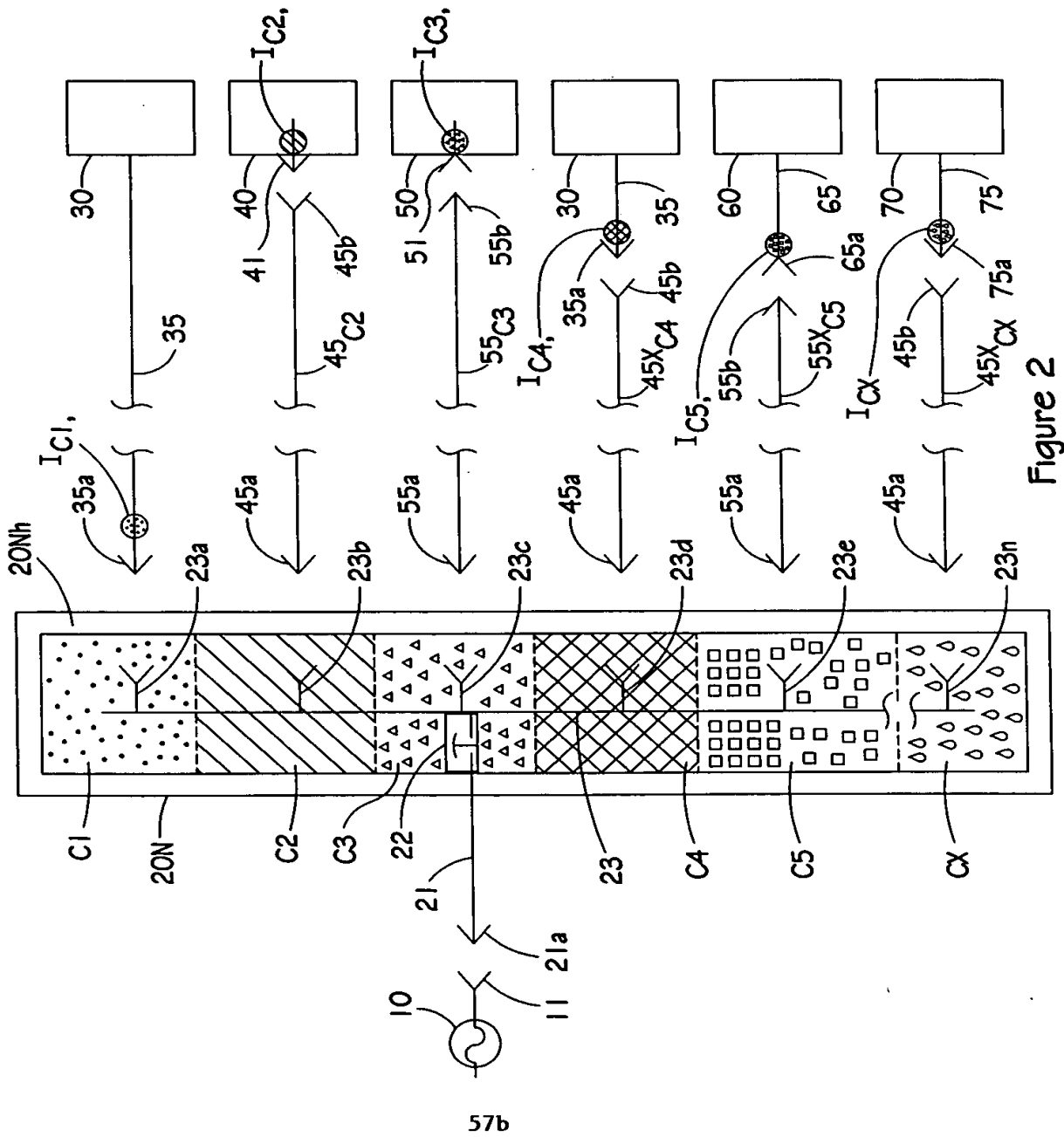


Figure 2

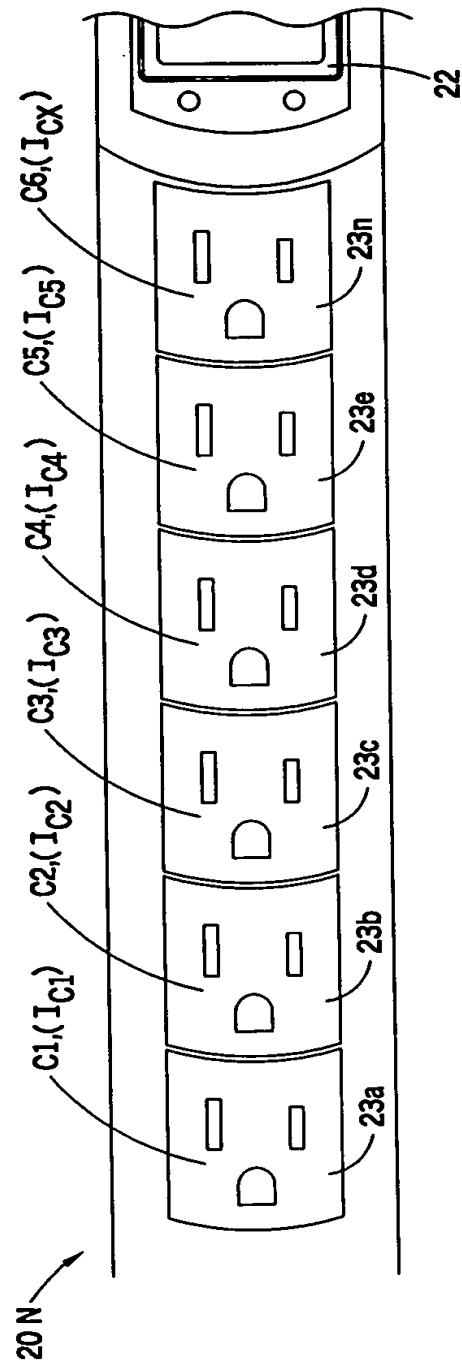


Figure 3



US005589718A

**United States Patent** [19]  
**Lee**

[11] **Patent Number:** **5,589,718**

[45] **Date of Patent:** **Dec. 31, 1996**

[54] **POWER LINE CONDITIONER**

5,448,443 9/1995 Muelleman ..... 361/111

[75] **Inventor:** Noel Lee, Daly City, Calif.

*Primary Examiner*—William M. Shoop, Jr.

[73] **Assignee:** Monster Cable International, Ltd.,  
Hamilton, Bermuda

*Assistant Examiner*—Kim Lockett

*Attorney, Agent, or Firm*—Haynes and Boone, L.L.P.

[21] **Appl. No.:** 422,442

[22] **Filed:** Apr. 14, 1995

[51] **Int. Cl.<sup>6</sup>** ..... H02J 1/00

[52] **U.S. CL** ..... 307/72; 307/85; 307/86;  
307/87; 307/18; 307/29; 307/38; 307/39;  
439/92; 439/105; 439/620; 439/535

[58] **Field of Search** ..... 307/85, 86, 87;  
307/18, 29, 38, 39; 439/92, 105, 620, 535

[56] **References Cited**

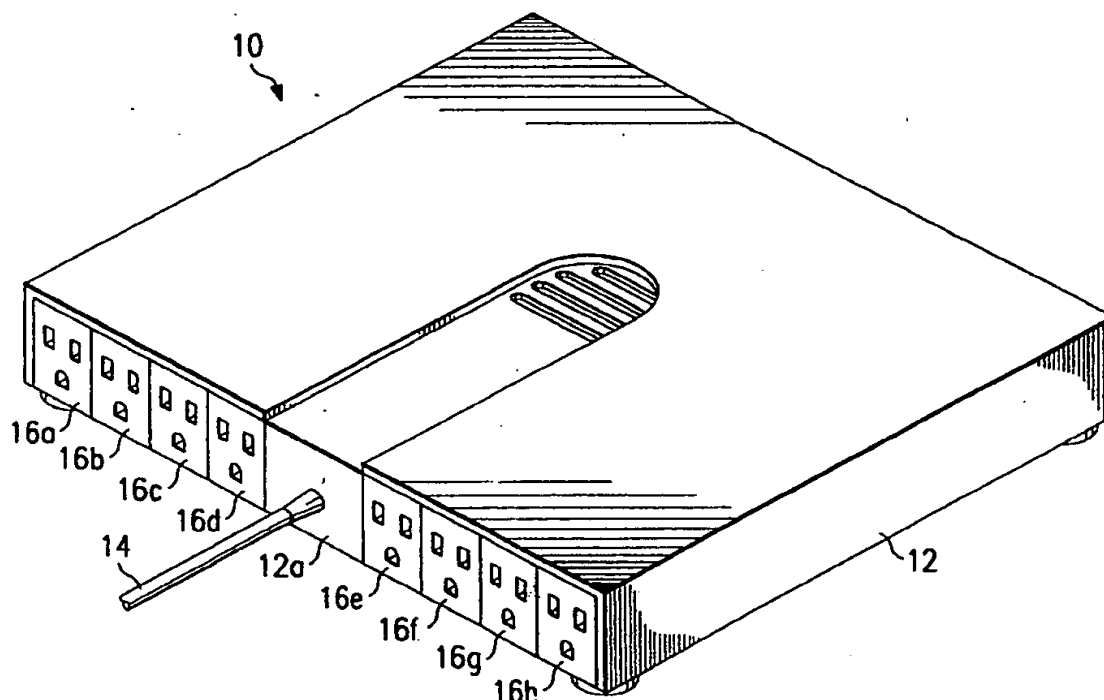
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[57] **ABSTRACT**

A power line conditioner in which a plurality of outlets are mounted on a housing for receiving AC plugs from a plurality of electrical components. The housing is connected to a source of AC power which is distributed to each of the outlets, with the AC power associated with the outlets being processed to improve the performance of the components connected to the outlets. The AC power processing at one or more of the outlets differs from the processing at one or more of the other outlets so that the outlets can accommodate components with different electrical characteristics.

**3 Claims, 1 Drawing Sheet**





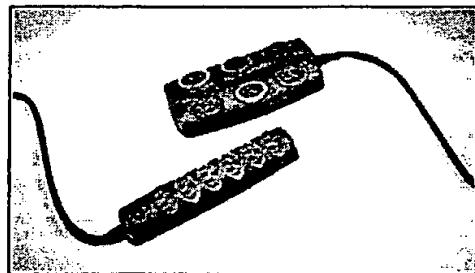
## Reviews

MacUser / September 1997

### Kensington SmartSockets Strip Model and Adapter Model

★★★★

A **surge protector** may seem an impossibility, but two new Kensington SmartSockets come close to making it a reality. The Strip Model is merely a straightforward power strip -- albeit an exceptionally well-designed one; the Adapter Model, on the other hand, can protect against nearly three times the surge energy and has extrawide outlet spacing that accommodates up to six AC adapters. Each model also protects one telephone, modem, or fax-machine line. The flashy design is not just for looks, either: Included are six pairs of labels that match the colored rings around each socket. Put one label on each peripheral and a matching one on its power cord, and you'll never unplug the wrong device again. / **LaMont Ridgell**



List all MacUser reviews of [Surge Protectors](#).

**Kensington SmartSockets Strip Model and Adapter Model, \$19 and \$50 (estimated street). Company: [Kensington](#), San Mateo, CA; 800-535-4242 or 415-572-2700.**

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US005775935A

**United States Patent** [19]

Barna

[11] Patent Number: **5,775,935**[45] Date of Patent: **Jul. 7, 1998**[54] **SYSTEM AND METHOD FOR CONNECTING  
COLOR CODED CABLES TO A DEVICE**[75] Inventor: **Joseph A. Barna, Marietta, Ga.**[73] Assignee: **Computer Data Exchange, Inc.,  
Marietta, Ga.**[21] Appl. No.: **769,456**[22] Filed: **Dec. 18, 1996**[51] Int. Cl.<sup>6</sup> ..... **H01R 9/22**[52] U.S. Cl. .... **439/488; 439/491; 174/112**[58] Field of Search ..... **439/488-491;  
174/112; 40/316**[56] **References Cited****U.S. PATENT DOCUMENTS**

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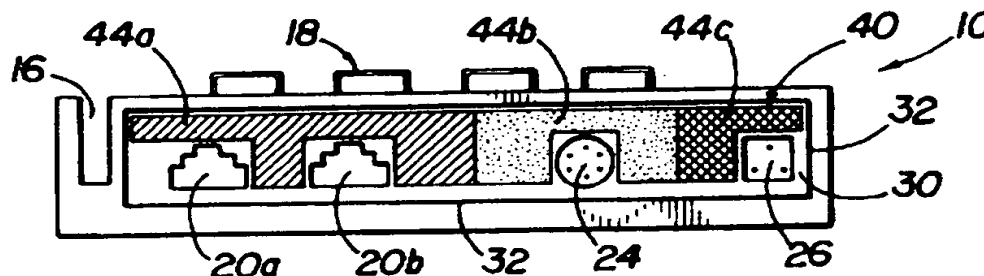
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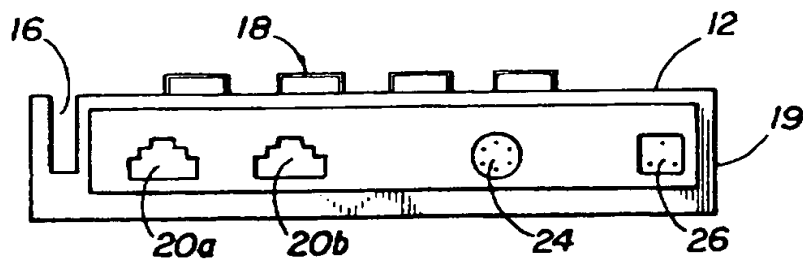
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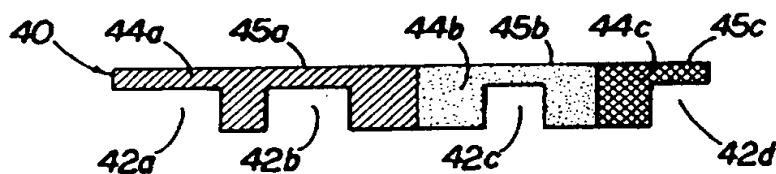
*Primary Examiner*—Hien Vu[57] **ABSTRACT**

The present invention is a color coded system for associating each of a plurality of individual electrical connection ports of a transactional terminal with a particular cable designated for connection with a specific one of the ports. The system includes a device that has a plurality of electrical connection ports for receiving cables. The device has a recessed portion extending around the electrical connection ports. The recessed portion has a rim defining the boundary of the recess. The system also includes a color coded alignment strip that has a surface of colors arranged in ordered positions on the strip. The colors of the surface correspond to color coded cables. The color coded alignment strip is positioned and is aligned in the recess in a position that aligns the colors with the electrical connection ports that are to receive the color coded cables of the corresponding colors aligned with the electrical connection ports. The color coded alignment strip fits in the recess such that the surface of the alignment strip is positioned at or below the same level as the rim of the recess.

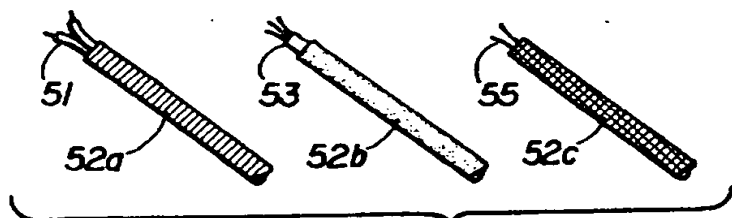
**10 Claims, 2 Drawing Sheets**



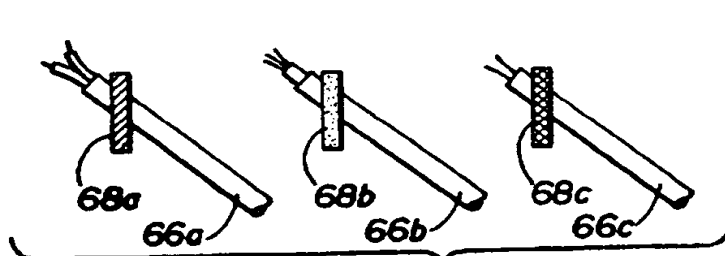
**FIG 1**



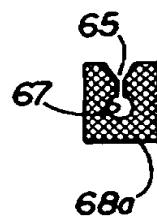
**FIG 2A**



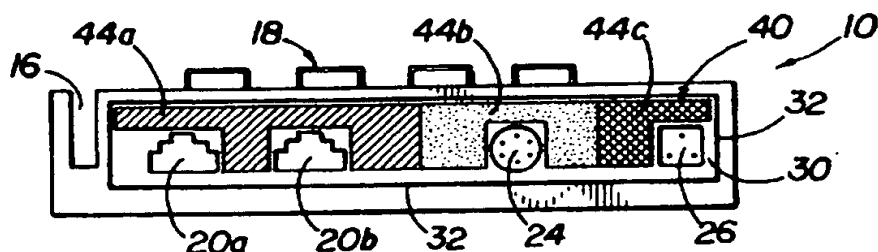
**FIG 2B**



**FIG 2C**



**FIG 2D**



**FIG 3**

# United States Patent [19]

Sunabe

US005366250A

[11] Patent Number: 5,366,250

[45] Date of Patent: N y. 22, 1994

[54] WIRE AND OUTLET BOX MARKERS

[76] Inventor: Thomas S. Sunabe, 1100 South Lincoln Ave., Monterey Park, Calif. 91754

[21] Appl. No.: 959,638

[22] Filed: Oct. 13, 1992

[51] Int. Cl.<sup>5</sup> ..... B42D 15/00

[52] U.S. CL. .... 283/81; 283/67; 283/114; 283/70; 283/74

[58] Field of Search ..... 283/81, 67, 114, 74, 283/70, 75, 81, 114

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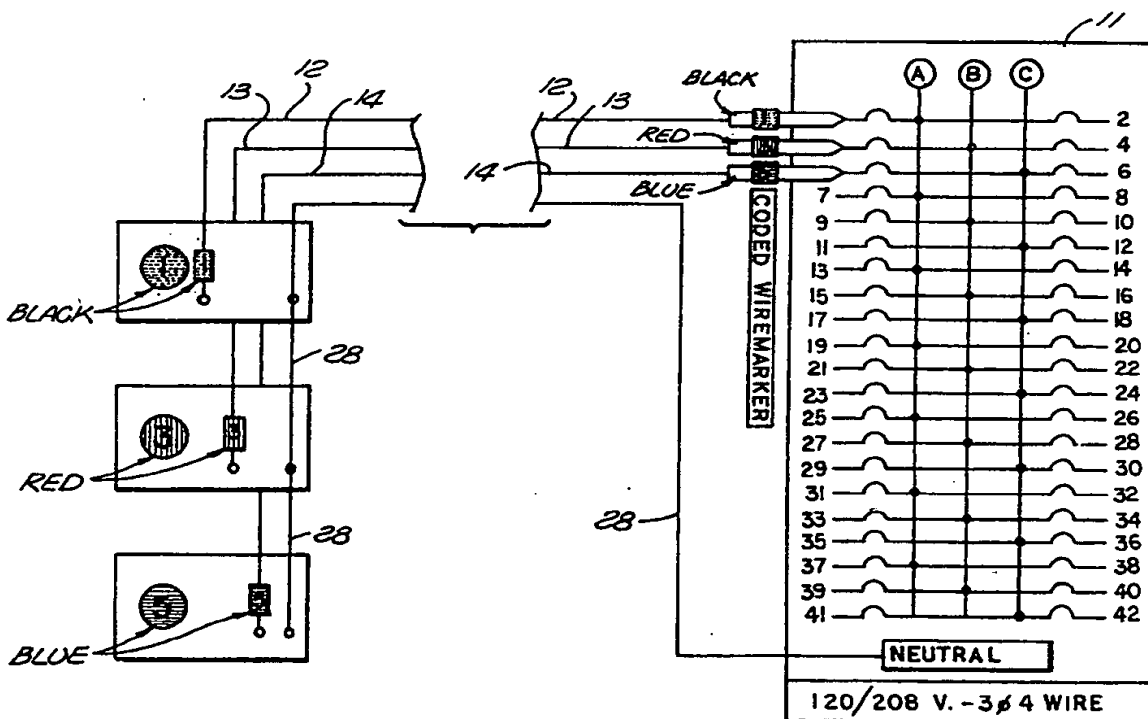
Primary Examiner—Paul A. Bell

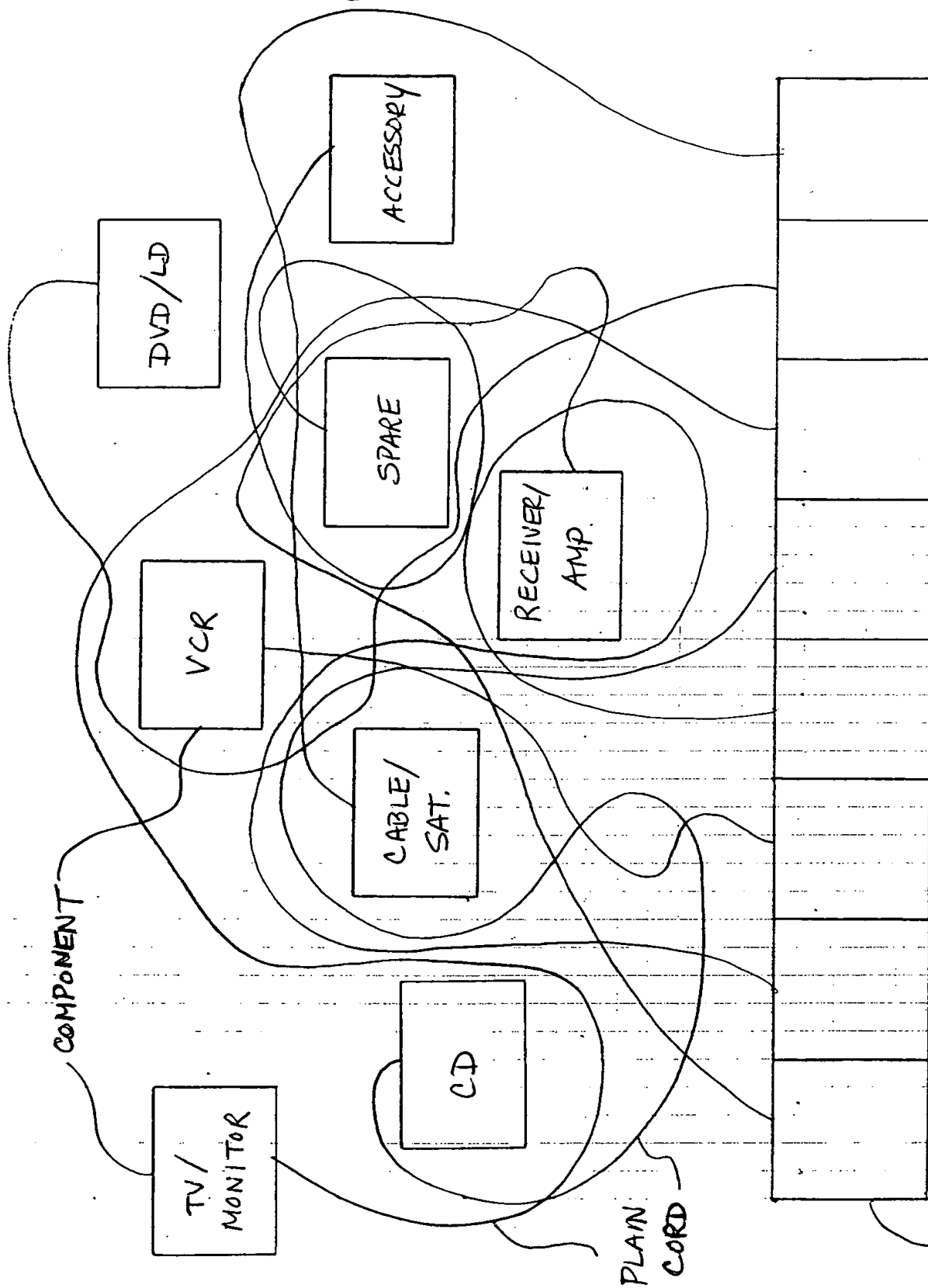
Attorney, Agent, or Firm—Harris, Wallen, MacDermott & Tinsley

## [57] ABSTRACT

A system for marking a plurality of separate electrical wires and electrical outlet locations in electrical construction wiring between a circuit breaker panel and a plurality of outlet boxes pursuant to a wiring diagram, including a marker carrier for carrying a plurality of separably adhered markers, a first set of wire markers comprising a first plurality of pairs of separable wire markers distinctively coded in a first manner and divided into a second plurality of subsets with wire markers of each subset further distinctively coded in a second manner, and a second set of outlet box markers comprising a corresponding second plurality of separable box markers distinctively coded in the first manner, and further distinctively coded in the second manner. A method for installing electrical wires using the system.

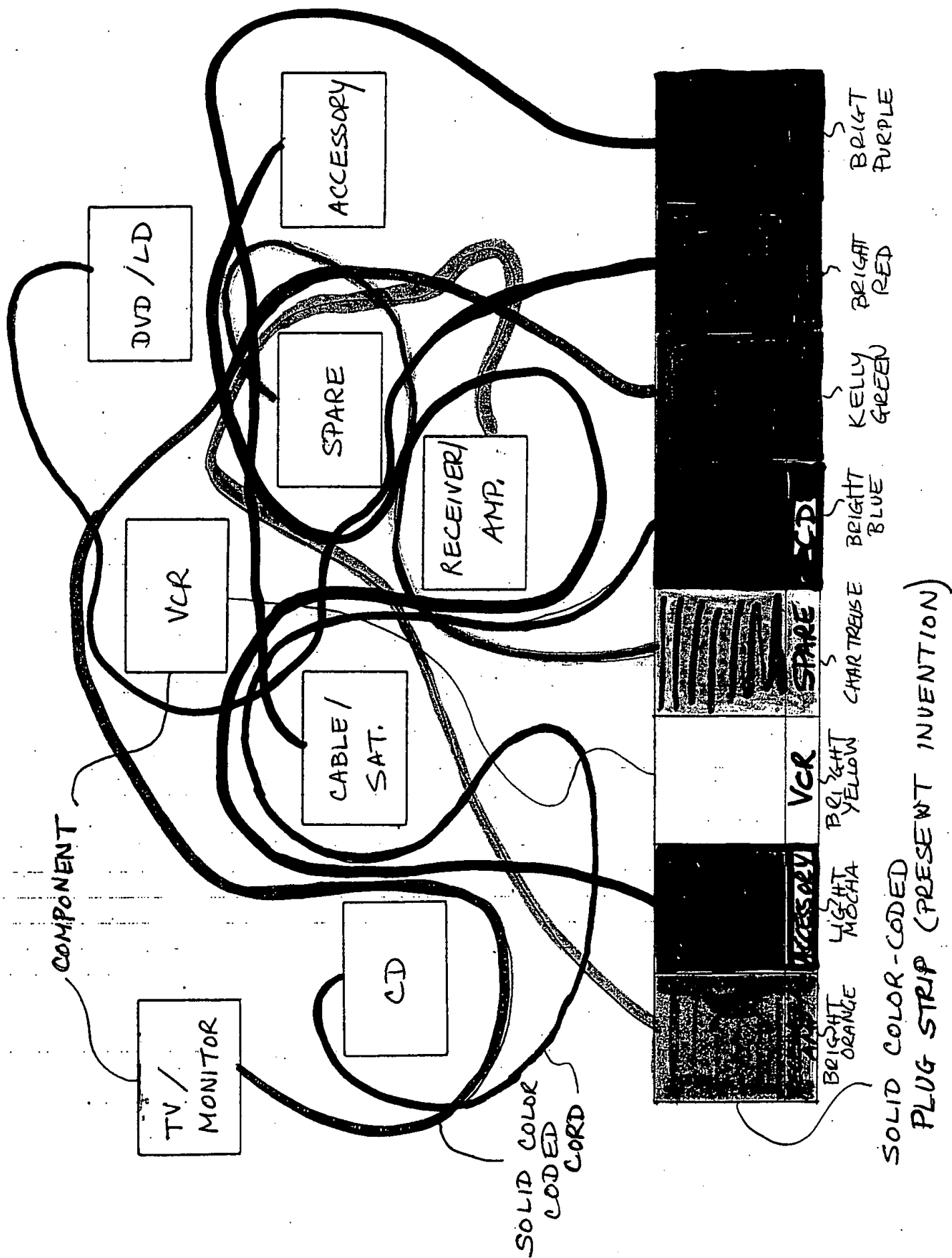
4 Claims, 2 Drawing Sheets

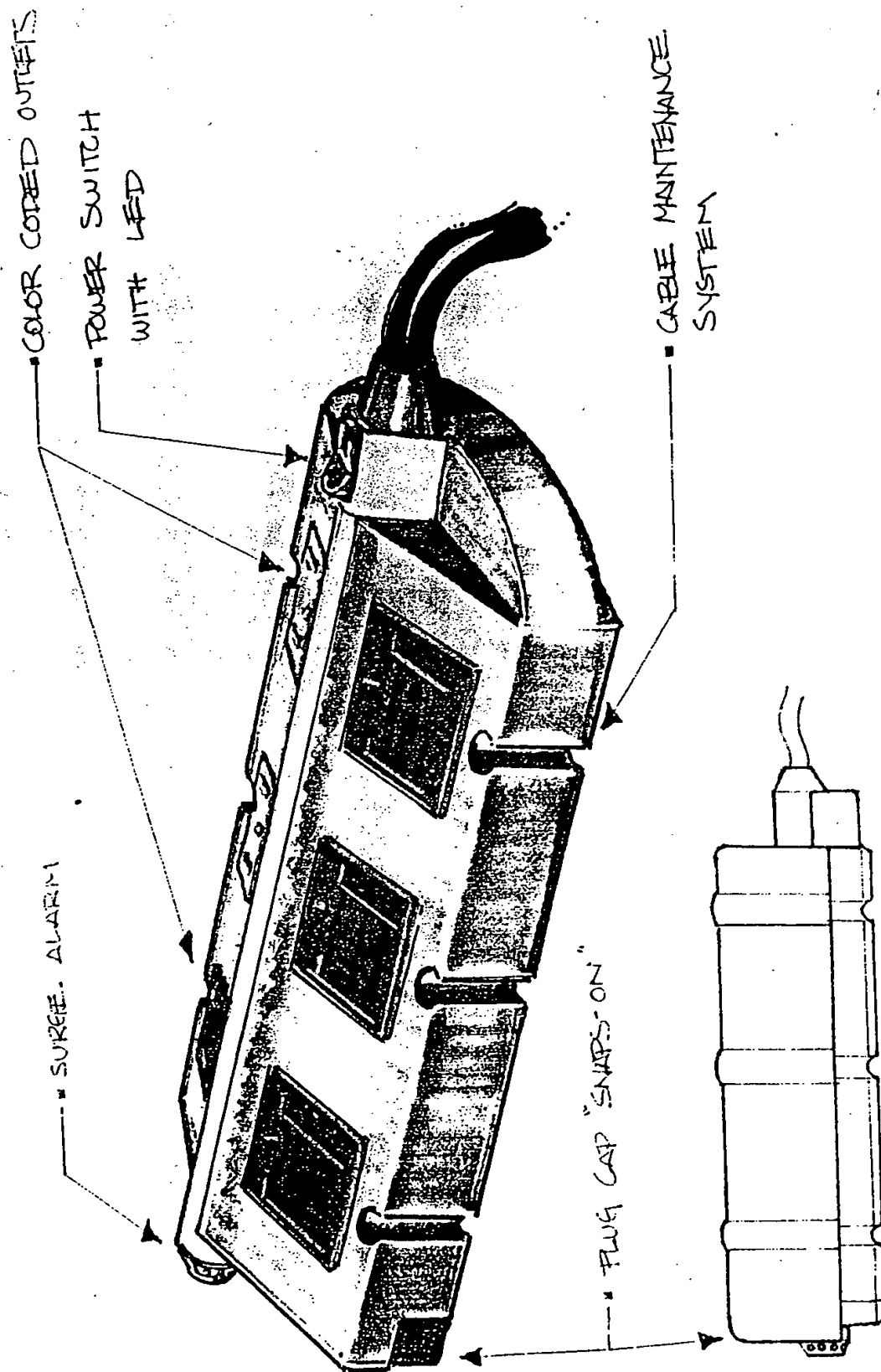




PLAIN  
PLUG STRIP  
(PRIOR ART)







## **EXHIBIT C - ASSIGNMENT DOCUMENTS**

- 1. Employee and Consultant Patent and Confidential Information Agreement signed by Engineer David Pitcher (1 page).**
- 2. Notice of Recordation of Assignment Document, Recordation Form Cover Sheet, and Assignment Agreement signed by the Applicant Noel Lee in favor of Monster Cable Products, Inc. (4 pages).**

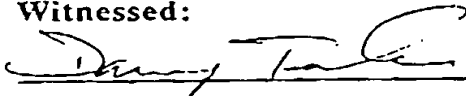
**Monster Cable Products, Inc.****Employee and Consultant  
Patent and Confidential Information Agreement**

In consideration of my employment or consultation agreement with Monster Cable Products, Inc. (hereinafter, "Monster") and/or its predecessors or successors in business, and of the payment of wages or fees during the continuance of such employment or consultation, I hereby agree:

1. To disclose promptly and fully to Monster or its nominee, all inventions, improvements or discoveries made or conceived by me, solely or jointly with others, in the course of such employment or consultation or with the use of Monster's time, material or facilities, or related to or suggested by the business, work or instigations of Monster, or of the companies it owns or controls at the time of such inventions.
2. To assign to Monster or its nominee, all right, title or interest in and to all inventions, improvements and discoveries, and that all such inventions, improvements or discoveries shall for all purposes be deemed as acquired and held by me in a fiduciary capacity solely for the benefit of Monster, its successors or assigns, until the entire right, title or interest thereto have become vested in Monster, its successors, assigns or nominees.
3. To assist Monster or its nominee during and subsequent to my employment or consultation in every proper way (entirely at Monster's expense) (a) to obtain for Monster's benefit patents for such inventions in any and all countries, and (b) in any controversy or legal proceeding relating to such inventions, improvements or discoveries, or to the patents resulting therefrom.
4. Not to disclose directly or indirectly to any unauthorized person without Monster's prior written permission at any time during or subsequent to my employment or consultation all knowledge not already available to the public which I acquire during the course of my employment or consultation with Monster including, but not limited to, invention; designs; methods; systems; improvements; new projects; marketing information and strategies; source of suppliers; sales figures; advertising, marketing or promotive strategies; trade secrets, customer information, or other private or confidential matters acquired in the course of my employment or consultation.
5. Upon leaving the employ of Monster, or upon termination of the consultation agreement, to deliver promptly to Monster, all written and graphic material, tools and equipment, (other than owned by me) in my possession or under my control relating to the business, work or investigations of Monster.
6. Upon termination of my employment or consultation agreement with Monster, not to compete with Monster, join, or otherwise work for, any company, or other organization, in competition with Monster for a period of five (5) years after termination of this agreement.
7. I represent that, except as stated on the reverse of this Agreement, I have no agreements with or obligations to others in conflict with the foregoing.

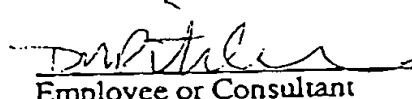
The provisions of this Agreement shall be binding upon my heirs, executors, administrators or other legal representatives or assigns.

Witnessed:

  
\_\_\_\_\_

Title

HR

  
\_\_\_\_\_

Employee or Consultant

4/24/91  
\_\_\_\_\_

Date

Monster Cable Products, Inc. 274 Wattis Way, South San Francisco, CA 94080 (415) 871-6000



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 23, 1999

PTAS

LARIVIERE, GRUBMAN & PAYNE  
VICTOR FLORES, P800  
4 JUSTIN COURT, SUITE A  
MONTEREY, CA 93942



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/23/1998

REEL/FRAME: 9885/0911  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEE, NOEL

DOC DATE: 06/03/1998

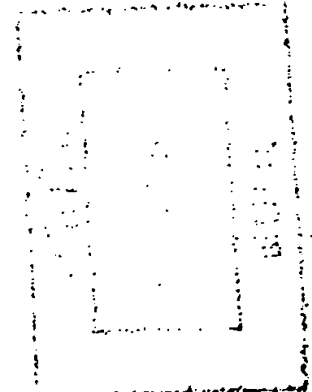
ASSIGNEE:

MONSTER CABLE PRODUCTS, INC.  
455 VALLEY DRIVE  
BRISBANE, CALIFORNIA 94005-1209

SERIAL NUMBER: 60070317  
PATENT NUMBER:

FILING DATE: 01/02/1998  
ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS





06-22-1999



DEPARTMENT OF COMMERCE

Patent and Trademark Office

FORM PTO-1594

101041378

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

NOEL LEE

## 2. Name and address of receiving party(ies):

MONSTER CABLE PRODUCTS, INC.

Internal Address: \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Execution Date: June 3, 1998

Street Address: 455 Valley Drive

City: Brisbane State: CA Zip: 94005-1209

Additional name(s) of receiving party(ies) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

60/070317

## 5. Name and address of party to whom correspondence concerning document should be mailed

Name: Victor Flores

Internal Address: LaRiviere, Grubman &amp; Payne

P800

Street Address: 4 Justin Court, Suite A

P.O. Box 3140

City: Monterey State: CA Zip: 93942

## 6. Total number of applications and patents involved:

One

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit Account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Victor Flores

Name of Person Signing

Signature

June 23, 1998

Date

Total number of pages comprising cover sheet 1

40E  
NOSPEC  
Fee

101041378  
JUN 23 1998  
16131 10

## ASSIGNMENT AGREEMENT

FOR good and valuable consideration, receipt of which is hereby acknowledged, NOEL LEE, hereinafter ASSIGNOR, does hereby sell, assign and transfer unto MONSTER CABLE PRODUCTS, INC., doing business at 455 Valley Drive, Brisbane, CA 94005-1209, hereinafter ASSIGNEE, its successors and assignees, the entire title, interest and right, including the right of priority, in an application for Letters Patent of the United States entitled APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A CENTRAL POWER SOURCE, filed herewith, and the inventions and any of them therein set forth and described, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor, and any and all provisional, divisional, reissue, continuation, substitute or renewal applications thereof which have been or shall be filed in the United States and any and all equivalents thereto in any and all foreign countries;

And for the above consideration ASSIGNOR covenants to assign to ASSIGNEE, under identical terms herein, any and all improvements which have been or shall be developed by ASSIGNOR regarding subject matter herein;

And for the above consideration ASSIGNOR agrees promptly upon request of the ASSIGNEE, its successors and assignees, to execute and deliver without further compensation any power of attorney, assignment, application (whether original, continuation, renewal, substitute, divisional or reissue) or other papers which may be necessary or desirable fully to secure to ASSIGNEE, its successors and assignees, the inventions and any of them described in said application and patent rights therein, in the United States and in any country foreign thereto, and to cooperate and assist in the prosecution of appeal and interference proceedings involving said inventions and/or in the adjudication or re-examination of said Letters Patent, provided that the expenses which may be incurred by ASSIGNOR in lending such cooperation and assistance be paid by ASSIGNEE; and

ASSIGNOR covenants that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by ASSIGNOR, and that full right to convey the same as herein expressed is possessed by ASSIGNOR.

This agreement constitutes the entire agreement of the parties and supersedes and cancels any and all prior and/or contemporaneous utterances, statements, representation, understandings

and/or agreements whether oral and/or written in connection with this agreement.

IN WITNESS WHEREOF, ASSIGNOR agrees to the above-mentioned terms and conditions as evidenced by their signatures below:

6/3/98  
Date

STATE OF CALIFORNIA

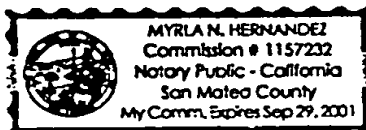
COUNTY OF San Mateo

On June 3rd, 1998, before me, Myrla N. Hernandez,  
personally appeared Neil Lee

X personally known to me

OR \_\_\_\_\_ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his(her) authorized capacity, and that by his(her) signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Myrla N. Hernandez  
Notary Public



## **EXHIBIT D - CORPORATE DOCUMENTS**

- 1. Monster Cable Products, Inc. Consolidated Financial Statements (Relevant Excerpts, 2 pages).**
- 2. Monster Cable International, Inc. (Subsidiary) Stock Certificate held by Monster Cable Products, Inc. (Parent) (1 page).**



**MONSTER CABLE PRODUCTS, INC.  
AND SUBSIDIARIES**

**Consolidated Financial Statements  
and Supplemental Consolidating Information**

**December 31, 2000 and 1999**

**(With Independent Auditors' Report Thereon)**

## MONSTER CABLE PRODUCTS, INC. AND SUBSIDIARIES

### Notes to Consolidated Financial Statements

December 31, 2000 and 1999

#### (1) Nature of Business

Monster Cable Products, Inc. and subsidiaries (the Company) manufacture and distribute a variety of audio, video, and computer cables; connectors; and related electronic materials for home and commercial use. The Company sells products throughout the world, and has operations based in the United States and Bermuda. The Company is owned by a sole shareholder and, effective January 1, 1997, elected to be treated under Subchapter S of the Internal Revenue Code.

#### (2) Summary of Significant Accounting Policies

##### (a) *Principles of Consolidation*

The accompanying consolidated financial statements include the financial statements of Monster Cable Products, Inc. and its wholly owned subsidiary, Monster Cable International, Ltd., a Bermuda corporation and parent of Monster Cable Products Israel, Ltd. (MCPI). All significant intercompany balances and transactions have been eliminated in consolidation.

##### (b) *Revenue Recognition*

Revenue from sales of products is recognized, net of estimated returns, when persuasive evidence of an agreement exists, delivery of the product has occurred, the price is fixed or determinable and collectibility is probable.

##### (c) *Use of Estimates*

The preparation of consolidated financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the consolidated financial statements and the reported amounts of revenue and expenses during the reporting periods. Actual results could differ from those estimates.

##### (d) *Short-Term Investments*

As of December 31, 2000 and 1999, the Company classifies its short-term investments in a mutual fund as available-for-sale pursuant to Statement of Financial Accounting Standards (SFAS) No. 115, *Accounting for Certain Investments in Debt and Equity Securities*. Available-for-sale securities are carried at fair market value. Any unrealized gains or losses, net of tax, are recorded as a component of other comprehensive income (loss), which was not significant as of December 31, 2000 and 1999. The cost of investments sold is determined on the specific-identification method.

##### (e) *Inventories*

Inventories are stated at the lower of cost or market. Cost is determined using the first-in, first-out method.

No. 11

--7,200-- Shares

Registered in the Islands of Bermuda under The Companies Act, 1981

# Monster Cable International, Ltd.

PAR VALUE OF SHARES US\$1.00 EACH

THIS IS TO CERTIFY THAT Monster Cable Products Inc.  
of 455 Valley Drive, Brisbane, California 94005, USA  
is the registered holder

of --Seven thousand and two hundred----- shares of U.S. Dollar One each

Fully paid in the above named Company, subject to the Memorandum of Association and the bye-laws of  
the said Company, transferable in accordance therewith.

Given under the Common Seal of the Company this

9th day of January

1991

President

Director

Secretary

HASBROUCK THIGLEY & CO NEW YORK